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by

PATRICK J. O'DONNELL, CLERK

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RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from Legislative Districts 3 through 14, 20, 31, and 45; and two from Legislative Districts 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7(c).

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the chair. Rule 2, Section 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the

Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3g.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.
Distribute material, when authorized. Rule 2, Section 3g.
Fiscal notes, attach to bills. Rule 5, Section 6d.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, or other paper presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Section 4.

Sec. 21. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

> *Overruling the chair. Rule 1, Section 12.*
> *Presiding officer, duties. RRS 50-113.*

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable. These rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

- (i) Members of the Legislature and their immediate families.
- (ii) Officers and employees of the Legislature.
- (iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the chamber on the grounds that the guest has an interest in the matter being debated. If the chair concurs with this judgment, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

(d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 14.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office.

(f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President or during discussion of amendments or motions offered pursuant to Rule 6, Section 8.

(i) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 25 through 30, 32, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 21 through 24, 34, 35, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees, by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Revenue	8 members
Transportation	8 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

(b) Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgement of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-2504	3 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Nebraska Retirement Systems. RRS 50-416	6 members
Performance Review and Audit. RRS 50-701.02	9 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Conduct During Committee Hearing. No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker or a member from a standing committee having eight members to fill each vacancy.

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;
(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

RULE 3

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4--RESOLUTIONS

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

> *73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.*

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

> *Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.*
> *Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.*

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Seven copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request by any members prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall lay over for consideration at least one legislative day after introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution proving for, must be signed by Governor. RRS 23-2103.

RULE 5--BILLS--GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill _____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:

(1) the phrase "there is hereby appropriated";

(2) a specific fund type shall be identified and the fund shall be appropriated;

(3) the amount to be appropriated from such fund shall be identified;

(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and

(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as co-introducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;
2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

3. The special committee created by Legislative Resolution 5 on January 11, 1989, regarding the Franklin Credit Union investigation and matters related thereto, may introduce bills at any time during the course of the 1989 legislative session. Said bills to be introduced must receive endorsement of a majority of the committee members whose names shall appear on the bill in order to fall within the purview of this section.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Section 22.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill shall require a majority vote of the elected members and any amendment to an amendment shall require a majority vote of the members voting. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

UC--Unanimous Consent; MEM--Majority of Elected Members; MTV--Majority of Those Voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	MTV	5-11
On consideration of bill on General File		
Move to pass over	MTV	6-3d
Move to change order	3/5	1-16
Move to indefinitely postpone before bill is read	MEM	6-3f
Move to indefinitely postpone after bill is read	MTV	
Move to advance to E & R Review	MEM	6-4
Move to return to committee	MEM	
Move to reconsider		
(within one legislative day thereafter)	MEM	7-7a
(if after one legislative day, by suspension of the rules only)	3/5	7-7a
Move to amend	MEM	6-3h
Move to amend the amendment	MTV	
Move to withdraw bill by first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-5d
Motion to amend	MEM	6-5f
Motion to advance	MEM	6-4
Defeated bill, motion to reconsider	MEM	7-7

Sec. 4. **Enrollment and Review.** Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted, the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing if machine vote requested	**MEM**	
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5c**
Motion to return to General File for amendment	**MEM**	**6-5d**
Motion to indefinitely postpone	**MEM**	**6-5e**
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3h.
No one to be seated beside member during Final Reading. Rule 2, Section 3e.

The following votes shall be required to adopt the following motions affecting bills on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of state office *Const. Art. IV, Sec. 27*	**2/3**	
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

> *Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.*

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject or accomplishes substantially different purpose than that of the original bill to which it is proposed.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Sec. 5. Call of the House. A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.
Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.

c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. It may make recommendations with regard to proposed appropriations to the Appropriations Committee.

(b) The chairperson of each committee may, when the budget review hearing on each agency, board, and commission is complete, submit a standing committee appropriations review statement which shall contain, but need not be limited to, the following information:

(1) the identity of the agency, board, or commission budget reviewed,
(2) the date of the hearing,
(3) a list of all the individuals testifying with regard to the budget,
(4) a summary of requested and proposed changes to the original agency, board, or commission budget, and
(5) a summary and explanation of standing committee recommendations on the agency, board, or commission budget in such form as the standing committee deems appropriate.

(c) A copy of the proposed standing committee appropriations review statement shall be distributed to each committee member within five days after final committee action on the budget review hearing has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the standing committee appropriations review statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the Appropriations Bill on General File.

(d) A copy of the standing committee appropriations review statement and any minority statements submitted shall be distributed to each senator after filing one copy with the Appropriations Committee Chairperson and one with the Clerk of the Legislature. Distribution to senators shall be the responsibility of the Clerk of the Legislature.

(e) The Appropriations Committee shall review each standing committee appropriations review statement prior to final action by the Appropriations Committee and placement of the appropriations bills on General File, if such statement is received prior to final action on the permanent budget. The Appropriations Committee shall not be bound to adopt the recommendations in the standing committee appropriations review statement.

(f) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the

General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills and resolutions shall be introduced only during the first three days of the session.

Sec. 3. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 4. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 5. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 6. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 7. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 8. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

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LEGISLATION

Bill Titles, Resolutions, and Subject and Section Indexes Introduced in the Ninety-First Legislature, First Session, 1989 and Pending Before the Ninety-First Legislature, Second Session, 1990

January 3, 1990

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the
Ninety-First Legislature, First Session, 1989
and pending before the
Ninety-First Legislature, Second Session, 1990

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Health and Human Services: 269 374 376 472 519 530 551 664 666 688 753 757
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LEGISLATIVE BILL 37. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend sections 81-2,147.01 to 81-2,147.05 and 81-2,147.07 to 81-2,147.10, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,147.06, Revised Statutes Supplement, 1988; to define and redefine terms; to change provisions relating to labeling; to change provisions relating to the testing and sale of seeds; to change provisions relating to powers and duties of the Director of Agriculture; to provide for enforcement; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 37A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 37, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 39. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to weights and measures; to amend sections 66-1219, 81-216.30, 89-183 to 89-188, 89-192 to 89-199, 89-1,100, 89-1,101, and 89-1,103, Reissue Revised Statutes of Nebraska, 1943; to name the Weights and Measures Act; to define and redefine terms; to eliminate a term; to correct the name of an institute; to provide for additional standards for rules and regulations; to provide for a Certificate of Conformance; to provide for testing of weights and measures; to provide duties for the Director of Agriculture; to provide fees; to provide penalties; to harmonize provisions; to require a permit to operate certain weights and measures as provided; to provide for hearings; to change provisions relating to inspections; to change provisions relating to labeling; to provide for certain unlawful acts as prescribed and procedure to prevent them; to provide duties for county attorneys; to provide for payment of certain costs; to provide for maintenance of records as prescribed; to provide an operative date; and to repeal the original sections, and also sections 89-189, 89-190, 89-191, and 89-1,102, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 40. Introduced by Schmit, 23rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to judges retirement; to amend sections 24-701, 24-703, 24-708, and 24-710, Revised Statutes Supplement, 1988; to redefine a term; to change funding provisions for unfunded accrued liabilities; to provide for the reduction of certain benefits as prescribed; to change the computation of the retirement annuity; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Schmit, 23rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to judges retirement; to amend section 24-701, Revised Statutes Supplement, 1988; to provide for adjustments to the retirement allowance as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Schmit, 23rd District; Ashford, 6th District.

A BILL FOR AN ACT relating to the Supreme Court; to amend section 24-201.01, Revised Statutes Supplement, 1988; to change provisions relating to salaries as prescribed; and to repeal the original section.

LEGISLATIVE BILL 50. Introduced by Dierks, 40th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to animals; to amend sections 28-1003, 54-160, and 54-605, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1988; to define terms; to prohibit certain acts involving animals; to authorize entry on property by law enforcement officers as prescribed; to authorize issuance of citations; to limit the liability of law enforcement officers as prescribed; to provide liability for the expenses of care, impoundment, or disposal of certain animals; to provide for the treatment of ownership of animals by minors; to change a provision relating to prohibited acts; to authorize regulation by cities, villages, and counties; to eliminate provisions prohibiting cruelty to animals; to change a provision relating to dogs running at large; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 54. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-216.02 and 81-216.21, Reissue Revised Statutes of Nebraska, 1943; to require certain food service establishments to post a disclosure statement as prescribed; to provide for failure to comply with such requirement; to eliminate a definition; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also section 81-216.14, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 54A. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 54, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 55. Introduced by Weihing, 48th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1493, Reissue Revised Statutes of Nebraska, 1943; to exempt certain board, commission, and committee members from financial disclosure requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 59. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to rental vehicles; to adopt the Collision Damage Waiver Act; and to provide a penalty.

LEGISLATIVE BILL 65. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to hunting; to amend section 37-215.06, Reissue Revised Statutes of Nebraska, 1943; to require hunters to wear hunter orange material as prescribed; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-403.01 and 60-2138, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to operators licenses; to provide an additional use for funds; and to repeal the original sections.

LEGISLATIVE BILL 76. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to local government; to amend sections 13-804, 13-903, 48-193, 71-5034, and 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,210 and 81-8,303, Revised Statutes Supplement, 1988; to provide that entities created by local public agencies are not state agencies; to change provisions relating the plans of expenditures prepared by certain regional governing boards and mental retardation regions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 81. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-408 to 31-409.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of boards of directors; to provide for a list of eligible voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 83. Introduced by Elmer, 38th District; R. Johnson, 34th District; Weihing, 48th District.

A BILL FOR AN ACT relating to noxious weeds; to amend sections 2-946.01, 2-946.02, 32-421.01, 72-240.08, 72-240.09, and 85-162.03, Reissue Revised Statutes of Nebraska, 1943, and sections 11-119 and 13-503, Revised Statutes Supplement, 1988; to adopt the Noxious Weed Control Act; to eliminate provisions relating to noxious weeds; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 2-952, 2-953, 2-954.02 to 2-959, 2-961 to 2-963, and 2-966, Reissue Revised Statutes of Nebraska, 1943, and sections 2-954 and 2-960, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 86. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft; and to repeal the original section.

LEGISLATIVE BILL 87. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 23-1201, 29-119, 29-1901, and 81-1848, Reissue

Revised Statutes of Nebraska, 1943; to change provisions relating to consultations regarding plea agreements; to redefine a term; to change provisions relating to writs of subpoena and notices to appear; to provide additional rights for victims and witnesses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to securities; to amend section 8-1108, Revised Statutes Supplement, 1988; to limit a registration fee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 96. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to universities and colleges; to amend section 77-2602, Revised Statutes Supplement, 1988; to change the distribution of the cigarette tax as prescribed; to provide for certain transfers of money and appropriations to provide for the defeasance of certain obligations; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 98. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to provide for the defeasance of obligations issued to construct a central data processing and print shop building.

LEGISLATIVE BILL 100. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to leases; to amend sections 1-105, 1-201, and 9-113, Uniform Commercial Code; to redefine a term; to adopt uniform provisions governing leases of goods; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Moore, 24th District; L. Johnson, 15th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend sections 60-2801, 60-2803, and 60-2808, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on and conditions for the operation of such vehicles as prescribed; to harmonize provisions; and to repeal the original sections, and also section 60-2802, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 102. Introduced by Moore, 24th District; Beck, 8th District; Crosby, 29th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101 and 28-807, Revised Statutes Supplement, 1988; to limit access to certain materials by minors; to provide exceptions; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 107. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1334, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the computation of foundation aid; and to repeal the original section.

LEGISLATIVE BILL 109. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943, and section 28-106, Revised Statutes Supplement, 1988; to change provisions relating to facilities in which sentences of one year are served; and to repeal the original sections.

LEGISLATIVE BILL 111. Introduced by Pirsch, 10th District; Byars, 30th District; Peterson, 21st District.

A BILL FOR AN ACT relating to service of process and subpoenas; to amend sections 25-506.01, 25-1223, 29-1901, and 29-1902, Reissue Revised Statutes of Nebraska, 1943; to authorize service by private individuals as prescribed; to provide for taxing the cost of such service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 117. Introduced by R. Johnson, 34th District; Scofield, 49th District; Dierks, 40th District; Moore, 24th District; Elmer, 38th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Leafy Spurge Control Act.

LEGISLATIVE BILL 118. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to county extension offices; to state intent; to change funding; and to appropriate funds.

LEGISLATIVE BILL 120. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Grain Warehouse Act; to amend sections 88-530, 88-531, 88-532, 88-543, 88-545, and 88-547, Reissue Revised Statutes of Nebraska, 1943; to permit additional types of security for a licensee; to permit joint or separate licensure of warehouses as prescribed; to change penalty provisions; to provide for priority of claims as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by R. Johnson, 34th District; Ashford, 6th District; Smith, 33rd District.

A BILL FOR AN ACT relating to environmental protection; to state intent; to create the Environmental Response Cooperation Fund; and to provide powers and duties for the Department of Environmental Control and the Director of Environmental Control with regard to hazardous substances as prescribed.

LEGISLATIVE BILL 129. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to hearing-impaired and speech-impaired persons; to provide for the creation of a statewide telephone communication system for such persons; to define terms; to create a fund; to provide a surcharge; to provide powers and duties for the Public Service Commission; and to provide for a special committee.

LEGISLATIVE BILL 129A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 129, Ninety-first Legislature, First Session, 1989; and to adjust an appropriation as prescribed.

LEGISLATIVE BILL 130. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Commission for the Hearing Impaired; to amend sections 71-4727 and 71-4732, Reissue Revised Statutes of Nebraska, 1943, and sections 71-4720 and 71-4728, Revised Statutes Supplement, 1988; to require the commission to provide specialized telecommunications equipment as prescribed; to defined a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 131. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-806, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to public indecency; and to repeal the original section.

LEGISLATIVE BILL 139. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124 to 83-4,134, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to membership on the board; to change provisions relating to standards for criminal detention facilities implemented by the board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 140. Introduced by Chizek, 31st District; Conway, 17th District; Ashford, 6th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 77-2716, Revised Statutes Supplement, 1988; to adopt the Nebraska College Savings Plan Act; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 140A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 141. Introduced by Abboud, 12th District; Beck, 8th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-603 and 39-669.08, Reissue Revised Statutes of Nebraska, 1943; to provide that laws prohibiting driving while under the influence of alcoholic liquor or drugs and laws relating to implied consent apply on private and public property; and to repeal the original sections.

LEGISLATIVE BILL 143. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2651, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the allocation and distribution of funds; and to repeal the original section.

LEGISLATIVE BILL 151. Introduced by Chambers, 11th District; Baack, 47th District; Landis, 46th District; Chizek, 31st District; Conway, 17th District; Hartnett, 45th District; Lynch, 13th District; Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend sections 37-1304, 51-413, 82-105, 82-107, 82-108.02, 82-111, 82-112, 82-118, 82-124, 84-710, and 84-1214.01, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101 and 72-1237.01, Revised Statutes Supplement, 1988; to change and eliminate provisions relating to the society; to define terms; to provide powers and duties for the society and for the executive board and the director of the society; to create the executive board of the society and to provide membership; to change provisions relating to violations involving monuments and historical markers; to transfer provisions relating to Pioneers Memorial Day and historical surveys; to eliminate provisions relating to certain historical properties; to harmonize provisions; and to repeal the original sections, and also sections 82-101 to 82-104, 82-106, 82-108, 82-108.01, 82-109, 82-110, 82-114, 82-115, 82-117, 82-119 to 82-123, and 82-125 to 82-132, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 159. Introduced by Conway, 17th District; Ashford, 6th District; Lindsay, 9th District; Chizek, 31st District; McFarland, 28th District; Nelson, 35th District; Chambers, 11th District; Abboud, 12th District.

A BILL FOR AN ACT relating to civil procedure; to amend section 39-619, Reissue Revised Statutes of Nebraska, 1943; to provide for the reduction of damages in certain actions for contributory fault as prescribed; to define fault; to provide for joint and several liability as prescribed; to provide for allocation of damages between parties; to provide for payment of uncollectible judgments; to prescribe forms; to provide for release from liability; to provide for contribution; to provide applicability; to eliminate provisions relating to contributory and comparative negligence; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section, and also section 25-21,185, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 160. Introduced by Warner, 25th District; Langford, 36th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to the university and state colleges; to amend sections 81-1273, 82-404, 82-407, 82-408, 84-1005, 85-102.01, 85-335, 85-940, 85-954, 85-955, 85-1001, 85-1003, 85-1004, and 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1373, 85-122, 85-301, and 85-948, Revised Statutes Supplement, 1988; to establish the University of Nebraska at Kearney; to provide for the transfer of rights and obligations and employees as prescribed; to provide powers and duties for the Board of Regents; to create funds; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 161. Introduced by R. Johnson, 34th District; Coordsen, 32nd District; Schellpeper, 18th District; Scofield, 49th District; Elmer, 38th District; Weihing, 48th District; Baack, 47th District.

A BILL FOR AN ACT relating to economic poisons; to amend sections 2-2601, 2-2604, 2-2610, 2-2613, 2-2614, 2-2616 to 2-2620, and 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide powers and duties for the Director of Agriculture; to change provisions relating to private and commercial applicators; to require records; to provide for the denial, suspension, and revocation of certificates; to change a penalty; to provide for rules and regulations; to prohibit certain uses of pesticides; to provide access to premises; to provide enforcement procedures; to eliminate a penalty; to harmonize provisions; and to repeal the original sections, and also section 2-2621, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 163. Introduced by R. Johnson, 34th District; Baack, 47th District; Schellpeper, 18th District; Scofield, 49th

District; Hall, 7th District; Wesely, 26th District; Ashford, 6th District; Withem, 14th District.

A BILL FOR AN ACT relating to waste reduction and recycling; to state intent; to create a fund; to provide for the use of such fund; to provide for fees for the purchase of tires and newsprint and for certain businesses as prescribed; to provide for grants as prescribed; and to provide procedures for the awarding of such grants.

LEGISLATIVE BILL 164. Introduced by Ashford, 6th District; Landis, 46th District; Conway, 17th District; Chizek, 31st District; Lindsay, 9th District.

A BILL FOR AN ACT relating to historic preservation; to establish the Task Force on Historic Preservation; to state intent; to provide powers and duties; and to provide for termination of the task force.

LEGISLATIVE BILL 180. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the university and state colleges; to amend sections 85-113 and 85-311, Reissue Revised Statutes of Nebraska, 1943; to provide free tuition for persons sixty years of age or older as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 187. Introduced by Lynch, 13th District; Lindsay, 9th District; Labedz, 5th District.

A BILL FOR AN ACT relating to medical costs; to amend sections 29-1004, 68-104, 68-126, 68-128, 68-133, 68-139, and 77-1601, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of costs for prisoners; to change responsibilities of the state and counties regarding medical assistance to the poor; to provide requirements for such assistance; to provide procedures for providing such assistance; to provide for audits; to provide for subrogation; to authorize rules and regulations; to limit the total cost of such assistance; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 187A. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to medical costs; to amend section 29-1004, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 187, Ninety-first Legislature, First Session, 1989, and section 13, Legislative Bill 187, Ninety-first Legislature, First Session, 1989; to change the responsibility of the counties regarding certain costs of prisoners; to change a limitation on the states liability for certain services; to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, First Session, 1989; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 191. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to political subdivisions; to require certain subdivisions of state government to maintain on file an information statement regarding certain organizations or associations which engage in lobbying as prescribed.

LEGISLATIVE BILL 201. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to operating a motor vehicle to avoid arrest; and to repeal the original section.

LEGISLATIVE BILL 202. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to intercepted communications; to amend section 86-703, Revised Statutes Supplement, 1988; to provide for the use of intercepted communications during gambling investigations; and to repeal the original section.

LEGISLATIVE BILL 203. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1988; to create the offense of disarming a peace officer; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 204. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1322, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disturbing the peace; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend sections 28-431, 28-432, 28-445, and 28-1439.01 to 28-1439.05, Reissue Revised Statutes of Nebraska, 1943, and sections 28-433 and 71-1,147.09, Revised Statutes Supplement, 1988; to authorize the seizure of certain property without a warrant; to provide for the forfeiture and sale of such property; to provide procedures; to provide for disposition of the proceeds; to change provisions relating to membership on the County Drug Law Enforcement Fund Board; to transfer certain sections; to harmonize provisions; and to repeal the original sections, and also sections 28-435 and 28-436, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 210. Introduced by Lynch, 13th District; Chizek, 31st District.

A BILL FOR AN ACT relating to liability; to provide immunity from civil liability for certain physicians as prescribed.

LEGISLATIVE BILL 212. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to private investigators; to amend sections 9-221 and 11-201, Reissue Revised Statutes of Nebraska, 1943; to adopt the Private Investigation Act; to eliminate provisions relating to private detectives; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 71-3201 to 71-3204, 71-3206 to 71-3210, 71-3212, and 71-3213, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3205 and 71-3211, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 218. Introduced by Pirsch, 10th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to arrest; to amend section 29-404.02, Reissue Revised Statutes of Nebraska, 1943; to provide for warrantless arrests for offenses involving household members; to define a term; and to repeal the original section.

LEGISLATIVE BILL 219. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1988; to create the offense of criminal child enticement; to provide exceptions; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 220. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2262, Revised Statutes Supplement, 1988; to authorize the use of electronic surveillance devices or systems for certain crimes; and to repeal the original section.

LEGISLATIVE BILL 222. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-574 and 60-578, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to the maximum liability for underinsured motorist coverage; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by McFarland, 28th District; Chizek, 31st District; Hefner, 19th District.

A BILL FOR AN ACT relating to athletics; to adopt the Athlete Agents Registration Act; to provide penalties; and to provide severability.

LEGISLATIVE BILL 224A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 224, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 226. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to define terms; to establish the Unicameral Scholars Academy; to create an advisory board; to provide powers and duties for the academy, the advisory board, and the State Department of Education; and to provide for rules and regulations.

LEGISLATIVE BILL 226A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 226, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 227. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-669.27, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the revocation of drivers licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 227A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 227, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 232. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to county courts; to eliminate provisions relating to the return of process, the filing of pleadings, and the time for trial; and to repeal section 24-535, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 234. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to courts; to amend section 33-138, Reissue Revised Statutes of Nebraska, 1943; to increase daily juror fees; and to repeal the original section.

LEGISLATIVE BILL 239. Introduced by Hall, 7th District; Chizek, 31st District.

A BILL FOR AN ACT relating to child and dependent care; to amend section 77-2715.07, Revised Statutes Supplement, 1988; to provide an income tax credit as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 240. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to parking; to amend section 18-1739, Reissue Revised Statutes of Nebraska, 1943; to change the size of and provide construction requirements for permits issued for handicapped or disabled persons; and to repeal the original section.

LEGISLATIVE BILL 242. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to retirement; to amend section 79-1515, Reissue Revised Statutes of Nebraska, 1943, and section 79-1043, Revised Statutes Supplement, 1988; to authorize prior service credit for certain military service by teachers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 243. Introduced by Labedz, 5th District; Hall, 7th District; Lindsay, 9th District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-101, Revised Statutes Supplement, 1988; to provide for the offense of enticing a child; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to standard codes; to amend section 18-132, Reissue Revised Statutes of Nebraska, 1943; to authorize a penalty for failure to have a license or permit as prescribed; to provide for collection of the penalty; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by Withem, 14th District; Landis, 46th District; Hefner, 19th District; Beyer, 3rd District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to motor vehicles; to authorize the suspension of driving privileges for certain juveniles as prescribed.

LEGISLATIVE BILL 249. Introduced by Abboud, 12th District; Hefner, 19th District; Peterson, 21st District; Beck, 8th District.

A BILL FOR AN ACT relating to taxation; to adopt the Tax Delinquency Amnesty Act; to harmonize provisions; and to repeal section 77-362.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 252. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to retirement; to amend sections 81-2014, 81-2015, 81-2017 to 81-2019, 81-2025 to 81-2029, 81-2031, and 81-2034, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the retirement system for Nebraska State Patrol officers; to define terms; to rename the system and a fund; to increase contributions as prescribed; to provide requirements for rules and regulations; to change provisions relating to the payment of benefits; to provide for adjustment of benefits; to authorize enrollment by officers in the state group health insurance program as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 257. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to public buildings; to amend sections 52-118 to 52-118.02, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, 1943; to change bonding requirements for projects of the state or departments and agencies thereof; to provide requirements for the erection, repair, and improvement of state buildings; and to repeal the original sections.

LEGISLATIVE BILL 259. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.17, and 79-490, Reissue Revised Statutes of Nebraska, 1943, and sections 79-426.08, 79-4,105.01, and 79-4,158.01, Revised Statutes Supplement, 1988; to state intent; to define and redefine terms; to provide authority for, a method for, and a procedure for Class I school districts to affiliate with other school districts; to provide duties for the county committee for school district reorganization; to change provisions relating to bonded indebtedness and authorize issuance of bonds as prescribed; to provide for a levy and the computation thereof; to provide for eligibility for state aid for certain students in an affiliated school system; to change provisions for transportation of certain students; to provide for a hearing; to provide penalties; to change provisions relating to advisory committee members; to provide for revival of certain statutes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 259A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 260. Introduced by Conway, 17th District; Baack, 47th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3906, Reissue Revised Statutes of Nebraska, 1943; to provide for a tax on marijuana and controlled substances; to define terms; to provide powers and duties for the Tax Commissioner and Department of Revenue relating to the collection and enforcement of such tax as prescribed; to harmonize provisions; to provide penalties; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 260A. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 260, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 266. Introduced by Conway, 17th District; Byars, 30th District.

A BILL FOR AN ACT relating to public lands and buildings; to require display of POW/MIA flags under certain conditions.

LEGISLATIVE BILL 268. Introduced by Baack, 47th District; Schellpeper, 18th District; Schmit, 23rd District; Coordsen, 32nd District; Smith, 33rd District; Morrissey, 1st District; Scofield, 49th District; Conway, 17th District; Lamb, 43rd District; Hefner, 19th District; R. Johnson, 34th District; Moore, 24th District; Bernard-Stevens, 42nd District; Elmer, 38th District; Nelson, 35th District; Haberman, 44th District.

A BILL FOR AN ACT relating to the medical education residency program; to state intent; and to appropriate funds.

LEGISLATIVE BILL 269. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5701 to 71-5703, 71-5707, 71-5709 to 71-5711, and 71-5713, Reissue Revised Statutes of Nebraska, 1943; to change provisions of the Nebraska Clean Indoor Air Act; to define terms; to provide duties relating to public places; to provide for the development of employee smoking policies; to prohibit certain acts as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 270. Introduced by Schmit, 23rd District; Beyer, 3rd District.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3254 and 2-3255, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to time of filing of protests to an improvement project as prescribed; to change the appeal time from an order of the board of directors of a natural resources district; and to repeal the original sections.

LEGISLATIVE BILL 272A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to industrial loan and investment companies; to define terms; to state intent and purpose; to provide a procedure for the payment of certain claims of depositors as prescribed; to provide powers and duties for the Department of Banking and Finance; to provide an appropriation; and to declare an emergency.

LEGISLATIVE BILL 275. Introduced by Withem, 14th District; Bernard-Stevens, 42nd District; Smith, 33rd District; Korshoj, 16th District; Nelson, 35th District; Chizek, 31st District; Lamb, 43rd District; Hartnett, 45th District; Robak, 22nd District.

A BILL FOR AN ACT relating to revenue and taxation; to state intent; to create a property tax relief fund; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to counties; to amend sections 23-1514 and 33-112, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to requirements in documents and instruments filed in the register of deeds office; and to repeal the original sections.

LEGISLATIVE BILL 281. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District;

Schellpeper, 18th District; Byars, 30th District; Peterson, 21st District; Goodrich, 20th District; Rogers, 41st District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-669.27, Reissue Revised Statutes of Nebraska, 1943; to provide requirements for records or reports of convictions received from other states; to provide for applicability of provisions; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Schellpeper, 18th District; Peterson, 21st District; Goodrich, 20th District; Byars, 30th District; Rogers, 41st District.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1988; to adopt federal regulations relating to motor carrier safety and hazardous materials; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 287. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to cities of the second class; to define terms; to establish a retirement system for police officers in cities of the second class; to authorize a levy; and to provide an operative date.

LEGISLATIVE BILL 290. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to foster care; to amend section 71-1904, Reissue Revised Statutes of Nebraska, 1943, and section 71-1902, Revised Statutes Supplement, 1988; to require training in foster care as prescribed; to provide for the use of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 290A. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 290, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 299. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to taxation; to adopt the Tax Delinquency Amnesty Act; to eliminate a provision relating to amnesty; and to repeal section 77-362.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 304. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1991; to provide an operative date; to repeal Laws 1987, LB 229A, Laws 1987, LB 305A, Laws 1987, LB 350A, Laws 1987, LB 372A, Laws 1987, LB 383A, Laws 1987, LB 419A, Laws 1987, LB 518A, Laws 1987, LB 551A, Laws 1987, LB 557A, Laws 1987, LB 664A, Laws 1987, LB 673A, Laws 1987, LB 716, Laws 1987, LB 766A, Laws 1987, LB 836A, Laws 1987, LB 838A, Laws 1987, LB 863A, Laws 1987, LB 868A, Laws 1987, LB 940A, Laws 1987, LB 963A, Laws 1987, LB 987A, Laws 1987, LB 1012A, Laws 1987, LB 1013A, Laws 1987, LB 1039A, Laws 1987, LB 1100A, Laws 1987, LB 1105A, Laws 1987, LB 1117A, Laws 1987, LB 1160, Laws 1987, LB 1207A, and Laws 1987, LB 1234; and to declare an emergency.

LEGISLATIVE BILL 307. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to require a program statement; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1987, LB 781, Laws 1987, LB 784, and Laws 1988, LB 1041; and to declare an emergency.

LEGISLATIVE BILL 313. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to workers compensation; to amend section 48-121.01, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum weekly income benefit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 315. Introduced by Lindsay, 9th District; Hall, 7th District; Schimek, 27th District; Labedz, 5th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Reissue Revised Statutes of Nebraska, 1943; to change weekly benefit amounts; and to repeal the original section.

LEGISLATIVE BILL 317. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to veterans; to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943; to increase the amount in the Nebraska Veterans Aid Fund; to appropriate funds; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to death benefits; to provide for revocation of a beneficiary designation upon entry of a decree of annulment or dissolution of marriage as prescribed.

LEGISLATIVE BILL 329. Introduced by Landis, 46th District; Ashford, 6th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701, Revised Statutes Supplement, 1988; to define terms; to provide an income tax credit for certain businesses which provide day care as provided; to provide rules and regulations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 329A. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 329, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 331. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to liability; to amend sections 13-916, 28-1417, and 83-1017, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to governmental immunity; to provide for the legal defense of employees of political subdivisions in certain actions; to authorize the purchase of insurance for the negligent acts and omissions of employees of political subdivisions; to provide immunity to certain persons for actions relating to mental health boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to counties; to amend section 77-1513, Reissue Revised Statutes of Nebraska, 1943, and section 77-1510, Revised Statutes Supplement, 1988; to change provisions relating to appeals of valuation of real property from the county board of equalization and to the costs of such appeals as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Ashford, 6th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1988; to authorize the acquisition of detached auxiliary offices by a bank as prescribed; and to repeal the original section.

LEGISLATIVE BILL 337. Introduced by Education Committee: Withem, 14th District, Chairperson; Bernard-Stevens, 42nd District; Baack, 47th District; Nelson, 35th District; Dierks, 40th District; McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to amend section 79-328, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for the assessment of students as prescribed; to provide for a standardized achievement test; to create a committee; to require reports; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 338. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Dierks, 40th District; Crosby, 29th District; Byars, 30th District; Schellpeper, 18th District; Lynch, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Community Public Health Services Act.

LEGISLATIVE BILL 338A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 338, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 339. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-102, Reissue Revised Statutes of Nebraska, 1943; to provide for a bow hunter education training program in bow hunting equipment; to provide requirements on certain permits for hunting as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 343. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Schellpeper, 18th District; Byars, 30th District; Dierks, 40th District; Crosby, 29th District; Lynch, 13th District.

A BILL FOR AN ACT relating to mental retardation; to amend sections 83-1,141, 83-1,142, 83-1,143, 83-1,143.02 to 83-1,143.05, and 83-1,144.01, Reissue Revised Statutes of Nebraska, 1943; to state intent; to change the name of the office of mental retardation; to change provisions relating to persons with mental retardation; to authorize services and agreements for services for persons with related disabilities; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 343A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 343, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 346. Introduced by Hall, 7th District; Labedz, 5th District; Rogers, 41st District; Dierks, 40th District; Lynch, 13th District; Schmit, 23rd District; Lindsay, 9th District; Beck, 8th District; Langford, 36th District; Crosby, 29th District.

A BILL FOR AN ACT relating to education; to amend section 77-2716.01, Revised Statutes Supplement, 1988; to provide a deduction from income for certain educational expenses; to define terms; and to repeal the original section.

LEGISLATIVE BILL 346A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 346, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 347. Introduced by Rogers, 41st District; Peterson, 21st District; Lamb, 43rd District; Dierks, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302, 60-325, 60-505.02, 60-528, 60-569, and 60-570, Reissue Revised Statutes of Nebraska, 1943; to require proof of insurance as prescribed; to change provisions relating to proof of financial responsibility; to provide penalties for failure to have proof of insurance; to provide for the administrative suspension of motor vehicle registrations and operators licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 348. Introduced by Langford, 36th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-177, Reissue Revised Statutes of Nebraska, 1943; to redefine chiropractic practice; and to repeal the original section.

LEGISLATIVE BILL 350. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.01, 81-885.04, 81-885.07, 81-885.11, 81-885.12, 81-885.14, 81-885.17, 81-885.18, 81-885.19, 81-885.24, 81-885.25, 81-885.26, and 81-885.29, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change exemptions from the act as prescribed; to change the compensation of members of the State Real Estate Commission; to change provisions relating to partnerships and corporations engaged in real estate activities; to provide and change requirements for issuance of nonresident licenses; to authorize reciprocal agreements; to change notice requirements; to change provisions relating to branch offices; to require the dating of purchase agreements and offers; to change procedures for certain disciplinary proceedings as prescribed; to provide additional grounds for discipline; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350A. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 350, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 356. Introduced by Landis, 46th District; McFarland, 28th District; Crosby, 29th District; Hall, 7th District; Labedz, 5th District; Wesely, 26th District; R. Johnson, 34th District; Lynch, 13th District; Schimek, 27th District; Chambers, 11th District; Ashford, 6th District; Schmit, 23rd District; Warner, 25th District; Morrissey, 1st District.

A BILL FOR AN ACT relating to industrial loan and investment companies; to define terms; to state intent and purpose; to provide a procedure for the payment of certain claims of depositors as prescribed; to provide powers and duties for the Department of Banking and Finance; to provide an appropriation; and to declare an emergency.

LEGISLATIVE BILL 359. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the state investment officer; to amend section 72-1242, Reissue Revised Statutes of Nebraska, 1943; to require approval of the Nebraska Investment Council instead of the Governor for retention of professional services; and to repeal the original section.

LEGISLATIVE BILL 363. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to mental health; to adopt the Rehabilitation and Support Mental Health Services Incentive Act.

LEGISLATIVE BILL 364. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Morrissey, 1st District; Elmer, 38th District; Weihing, 48th District; R. Johnson, 34th District; Smith, 33rd District.

A BILL FOR AN ACT relating to water; to amend sections 2-15,107, 2-15,110, 2-15,114, 2-15,116, 2-15,117, and 46-2,116.02, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to authorize the Water Management Board to plan, sponsor, construct, own, operate, and maintain water development projects; to provide powers and duties; to rename a fund; to change provisions relating to authorized uses of the fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 367. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to workers compensation; to amend section 48-145.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to an employers failure to obtain workers compensation insurance; and to repeal the original section.

LEGISLATIVE BILL 369. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 373. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicles; to provide distance requirements between the frame and the ground; to provide suspension requirements; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 374. Introduced by Goodrich, 20th District; Lynch, 13th District; Peterson, 21st District.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 83-1002, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988; to provide for the involuntary commitment of certain persons as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 376. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to define terms; to require laboratories to obtain permits prior to testing in this state as prescribed; to provide exceptions; to provide procedures; to provide duties for the Department of Health; to authorize fees; to create an advisory committee; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 380. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool; to amend sections 44-4222, 44-4227, and 44-4228, Reissue Revised Statutes of Nebraska, 1943; to eliminate coverage for certain persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Morrissey, 1st District; Elmer, 38th District; Weihing, 48th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to water; to amend sections 2-3222, 2-3226, 2-3229, 2-3232, 2-3233, 33-105, 46-122, 46-205, 46-210, 46-212.02, 46-229, 46-231, 46-233, 46-233.02 to 46-236, 46-240.01 to 46-242, 46-250, 46-259, 46-2,108, 46-606, 46-637, 46-651, 46-654, 46-657, 46-666, 46-673.09, and 66-1105, Reissue Revised Statutes of Nebraska, 1943, and section 2-3219, Revised Statutes Supplement, 1988; to state intent; to change provisions relating to the approval and renewal of permits for water uses and transfers; provide powers and duties; to provide a penalty; to change certain powers of natural resources districts; to provide and change fees; to change provisions relating to priority dates; to authorize additional controls in a control or management area; to harmonize provisions; to eliminate provisions relating to a study of water transfers, restrictions on water taken from a stream, use of water in other states, and intrabasin and interbasin transfers; to eliminate the Municipal and Rural Domestic Ground Water Transfers Permit Act and the Industrial Ground Water Regulatory Act; and to repeal the original sections, and also sections 2-15,118, 2-15,120, 46-206, 46-233.01, 46-288 to 46-294, 46-613.01, 46-613.02, 46-638 to 46-650, and 46-675 to 46-690, Reissue Revised Statutes of Nebraska, 1943, and section 2-15,119, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 384. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Morrissey, 1st District; Elmer, 38th District; Weihing, 48th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to water; to amend sections 33-105 and 46-2,108, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for approval of a conservation proposal and of the right to use conserved water; to provide powers and duties; to provide a fee; to authorize an instream appropriation; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 385. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Morrissey, 1st District; Elmer, 38th District; Weihing, 48th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to water; to state intent; to encourage voluntary transfers of water and water rights; to provide a clearinghouse for such transfers; and to provide powers and duties.

LEGISLATIVE BILL 393. Introduced by Baack, 47th District; Ashford, 6th District.

A BILL FOR AN ACT relating to schools; to amend section 79-3349, Reissue Revised Statutes of Nebraska, 1943; to provide for reimbursement of attorneys fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 394. Introduced by Schimek, 27th District; Weihing, 48th District; Lindsay, 9th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and safety; to amend section 60-302, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1635 and 81-1641, Revised Statutes Supplement, 1988; to provide for motor vehicle safety inspections and emissions testing; to state intent; to define terms; to provide procedures for such inspections and testing; to provide for rules and regulations; to provide duties for the Department of Motor Vehicles and the Department of Environmental Control; to prohibit certain acts; to establish fees; to create a fund; to provide for funding; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 397. Introduced by Chambers, 11th District; Dierks, 40th District.

A BILL FOR AN ACT relating to athletics; to state intent; to provide due process requirements for collegiate athletic associations, colleges, and universities as prescribed; to prohibit certain acts; to provide for violations of such prohibited acts; to prohibit retaliatory actions; and to provide for judicial review as prescribed.

LEGISLATIVE BILL 399. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 47-401, Reissue Revised Statutes of Nebraska, 1943; to authorize the use of house arrest for certain crimes; and to repeal the original section.

LEGISLATIVE BILL 407. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to labor; to amend section 48-1229, Reissue Revised Statutes of Nebraska, 1943; to redefine the term employer; and to repeal the original section.

LEGISLATIVE BILL 409. Introduced by Barrett, 39th District; Hefner, 19th District.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Small Business Incubator Act.

LEGISLATIVE BILL 415. Introduced by Coordsen, 32nd District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disqualifications of an individual for benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to juveniles; to amend sections 14-102, 15-263, 17-207, 20-143, 28-107, 29-501, 29-610.02, 29-743, 29-2402, 29-2404, 29-2405, 29-2406, 29-2919, 29-3307, 39-669.02, 39-669.04, 39-669.05, 39-669.17, 39-669.27, 39-669.28, 39-6,190, 43-245, 43-247, 43-251, 43-255, 43-256, 43-281, 43-286, 43-287, 47-117, 49-801, 53-180.04, 60-430.05, 83-4,125, and 86-309, Reissue Revised Statutes of Nebraska, 1943, and sections 17-118, 28-106, 29-2204, 29-2206, 29-2252, 29-2262, 29-2262.01, 29-2403, and 29-2412, Revised Statutes Supplement, 1988; require the confinement of certain juveniles in separate juvenile detention facilities as prescribed; to change provisions relating to the jurisdiction of the juvenile court; to limit the placement of juveniles in adult jails or correctional facilities; to change provisions relating to evaluation of certain juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Abboud, 12th District; Byars, 30th District; Ashford, 6th District; Goodrich, 20th District; Dierks, 40th District; Crosby, 29th District; Beck, 8th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to paupers and public assistance; to amend sections 68-132, 68-137, and 68-139, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to authorize counties to establish community service programs as prescribed; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 424. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to drunk driving; to amend sections 39-669.07, 39-669.08, 39-669.16, 39-669.27, and 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to provide for the installation of ignition interlock devices as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1725, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the collection of taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 428. Introduced by Bernard-Stevens, 42nd District; Schimek, 27th District; Wesely, 26th District.

A BILL FOR AN ACT relating to microscopy and microanalysis; to state findings and policy; to establish the Nebraska Central Facility for Microscopy and Microanalysis; to establish the position of Director of the Nebraska Central Facility for Microscopy and Microanalysis; to create a committee; to provide duties; and to appropriate funds.

LEGISLATIVE BILL 430. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to state intent; and to provide for long-term appropriations for certain economic development activities as prescribed.

LEGISLATIVE BILL 431. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Connection Network Act.

LEGISLATIVE BILL 431A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 431, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 435. Introduced by Conway, 17th District; Baack, 47th District; R. Johnson, 34th District; Moore, 24th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend sections 49-1447, 49-1449, 49-1450, 49-1451, 49-1462, 49-1484, 49-14,118, 49-14,123, and 49-14,133, Reissue Revised Statutes of Nebraska, 1943; to eliminate enforcement duties of the commission as prescribed; to eliminate late filing fees; to harmonize provisions; and to repeal the original sections, and also sections 49-1446.03, 49-1463, 49-1463.01, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 437. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Revised Statutes Supplement, 1988; to limit the receipt of incentives, refunds, or tax credits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 437A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 437, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 445. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1988; to provide for the aggregation of amounts of checks or orders when classifying the offense of issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to courts; to amend section 24-342, Reissue Revised Statutes of Nebraska, 1943; to change a fee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 447. Introduced by Nelson, 35th District; Beck, 8th District; Crosby, 29th District; Schellpeper, 18th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to vocational education; to adopt the Secondary Vocational Education Program Improvement Act.

LEGISLATIVE BILL 447A. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 450. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-669.28 and 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to provide for the revocation of operators licenses or permits or the privilege to drive for certain persons classified as habitual offenders as prescribed; to provide for a reinstatement fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 451. Introduced by Ashford, 6th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the filing of certain statements; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 452. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Nonprofit Corporation Act; to amend section 21-1921, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to meetings of the board of directors; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for reconstructive breast surgery.

LEGISLATIVE BILL 455. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to increase the number of separate juvenile court judges in certain counties; and to repeal the original section.

LEGISLATIVE BILL 456. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to child care; to amend sections 71-1910 and 71-1915, Revised Statutes Supplement, 1988; to require providers of early childhood programs to have individuals trained in first aid and cardiopulmonary resuscitation on duty as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 457. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-157.01 and 8-602, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1988; to provide for branch banks as prescribed; to eliminate references to auxiliary offices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to installment sales; to amend section 45-338, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the maximum time-price differential on installment contracts; and to repeal the original section.

LEGISLATIVE BILL 462. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to early childhood programs; to amend section 71-1914, Reissue Revised Statutes of Nebraska, 1943, and section 71-1911, Revised Statutes Supplement, 1988; to change a provision for licensure as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 464. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1988; to prohibit the imposition of the death penalty on persons with mental retardation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 465. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to discrimination; to prohibit discrimination against individuals with acquired immunodeficiency syndrome or its related diseases as prescribed; and to authorize a civil action to enforce violations.

LEGISLATIVE BILL 466. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to continuing education; to amend sections 44-3903 and 76-544, Reissue Revised Statutes of Nebraska, 1943; to exempt attorneys from continuing education requirements for abstractors and persons who sell title insurance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 468. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Schimek, 27th District; L. Johnson, 15th District; Wehrbein, 2nd District; Hannibal, 4th District; Ashford, 6th District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-980, 85-981, 85-990, and 85-9,101, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to student aid funds from the Federal SSIG program; to eliminate a definition; to eliminate a priority provision; to harmonize provisions; and to repeal the original sections, and also section 85-996, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 470. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Wehrbein, 2nd District; Schimek, 27th District; Moore, 24th District; Hannibal, 4th District; Ashford, 6th District.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-508 and 23-913, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing of budget statements and other documents as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 471. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to firefighters; to prohibit the sale and purchase of certain clothing and equipment as prescribed; to provide a penalty; to define a term; and to declare an emergency.

LEGISLATIVE BILL 472. Introduced by Peterson, 21st District; Schellpeper, 18th District; Beyer, 3rd District; Moore, 24th District; Coordsen, 32nd District; Robak, 22nd District.

A BILL FOR AN ACT relating to emergency medical services; to adopt the First Responders Emergency Rescue Act.

LEGISLATIVE BILL 473. Introduced by Chizek, 31st District; Hartnett, 45th District; Goodrich, 20th District; Beyer, 3rd District; Ashford, 6th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to education; to appropriate funds to aid education as prescribed.

LEGISLATIVE BILL 475. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1431, Reissue Revised Statutes of Nebraska, 1943; to provide an alternate method of service of process as prescribed; and to repeal the original section.

LEGISLATIVE BILL 479. Introduced by Landis, 46th District; Ashford, 6th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 30-2665, Reissue Revised Statutes of Nebraska, 1943; to adopt the Rights of the Terminally Ill Act; to provide penalties; to redefine durable power of attorney; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 483. Introduced by Abboud, 12th District; Beck, 8th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-401, Revised Statutes Supplement, 1988; to redefine the term exceptionally hazardous drug; and to repeal the original section.

LEGISLATIVE BILL 485. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-315.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to transferring personalized prestige plates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 486. Introduced by Education Committee: Withem, 14th District, Chairperson; Nelson, 35th District; Bernard-Stevens, 42nd District; Crosby, 29th District; Dierks, 40th District; Chizek, 31st District.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-403, 79-2202.05, and 79-2202.08, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the transfer of territory from one school district to another; to authorize the approval of mergers by a majority vote of an educational service unit board; to change time periods relating to the conduct of hearings and the making of decisions; and to repeal the original sections.

LEGISLATIVE BILL 488. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Nelson, 35th District; McFarland, 28th District; Bernard-Stevens, 42nd District; Crosby, 29th District; Dierks, 40th District; Chizek, 31st District.

A BILL FOR AN ACT relating to the Private Vocational Educational Authorization Act of 1977; to amend sections 79-2801 to 79-2808, 79-2810 to 79-2837, 79-2842 to 79-2846, 79-2848 to 79-2853, and 79-2855 to 79-2858, Reissue Revised Statutes of Nebraska, 1943; to rename the act; to define and redefine terms; to regulate operation of private postsecondary career schools; to provide and change exemptions; to change, provide, and transfer powers and duties; to change hearing provisions, fees, and a penalty; to harmonize provisions; to eliminate a bond provision and a penalty; and to repeal the original sections, and also sections 79-2809, 79-2847, and 79-2854, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 488A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 488, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 490. Introduced by Moore, 24th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to suppliers; to make defrauding a supplier a crime; and to provide penalties.

LEGISLATIVE BILL 491. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,134 to 71-1,135.01, 71-1,135.03 to 71-1,136, 71-1,136.02, and 71-1,136.04 to 71-1,136.09, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,133, 71-1,135.02, 71-1,136.01, and 71-1,136.03, Revised Statutes Supplement, 1988; to change provisions relating to licensure as prescribed; to change a provision relating to a patients choice of practitioner; to change provisions relating to financial assistance; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to elections; to amend sections 23-1501, 23-1502, and 32-308, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of the register of deeds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 495. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302, 60-501, and 60-569, Reissue Revised Statutes of Nebraska, 1943; to change requirements for registration; to change and eliminate provisions relating to financial responsibility; to define a term; to provide penalties; to harmonize provisions; and to repeal the original sections, and also section 60-570, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 501. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-103 and 60-104, Reissue Revised Statutes of Nebraska, 1943; to require the affixing of the vehicle identification number prior to sale or other disposition of certain vehicles; and to repeal the original sections.

LEGISLATIVE BILL 503. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to state constitutional officers; to amend sections 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska, 1943, and section 75-104, Revised Statutes Supplement, 1988; to change the salary of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General and of members of the Public Service Commission as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 503A. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 505. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to the Uniform Federal Lien Registration Act; to amend sections 52-1001 to 52-1005 and 52-1008, Reissue Revised Statutes of Nebraska, 1943; to change and provide provisions relating to the filing of certain federal liens; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 505A. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 507. Introduced by Lynch, 13th District; Labedz, 5th District; Chizek, 31st District; Hall, 7th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2102 and 81-2113, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to require supervision of apprentice electricians as prescribed; to provide duties for the Department of Labor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to define terms; to provide community action services as prescribed; to provide for service areas; to provide for community action agencies; to provide for agency administration; to provide powers and duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 514. Introduced by Schimek, 27th District; Baack, 47th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1270, Reissue Revised Statutes of Nebraska, 1943; to state intent; to change provisions relating to the requirements for health education in public schools; and to repeal the original section.

LEGISLATIVE BILL 514A. Introduced by Schimek, 27th District; Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 514, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 517. Introduced by Morrissey, 1st District; Schimek, 27th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-220, 32-221, and 32-530.01, Reissue Revised Statutes of Nebraska, 1943; to require the Secretary of State to compile a master file of registered voters; to provide for the use of a uniform voter registration form; to eliminate a voter registration form; to harmonize provisions; and to repeal the original sections, and also section 32-223, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 518. Introduced by Scofield, 49th District; Weihing, 48th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a potato development specialist position as prescribed; and to state intent.

LEGISLATIVE BILL 519. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to animal technicians; to amend sections 71-1,175, 71-4401, and 71-4403, Revised Statutes Supplement, 1988; to permit approved animal technicians to vaccinate for rabies as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 520. Introduced by Schellpeper, 18th District; Dierks, 40th District.

A BILL FOR AN ACT relating to nursing; to adopt the Nursing Incentive Act; and to declare an emergency.

LEGISLATIVE BILL 520A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 523. Introduced by Coordsen, 32nd District; Elmer, 38th District; Morrissey, 1st District; Korshoj, 16th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1988; to exempt certain agricultural-related items from sales and use tax if purchased by nonresidents; to provide a limitation; and to repeal the original section.

LEGISLATIVE BILL 527. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; Morrissey, 1st District; Weihing, 48th District; Beck, 8th District; Lamb, 43rd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to tire recycling; to amend sections 58-201 and 58-239, Reissue Revised Statutes of Nebraska, 1943; to adopt the Waste Tire Recycling Act; to provide a fee on transfers of motor vehicle titles as prescribed; to provide powers and duties for the Nebraska Investment Finance Authority; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 529. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision prohibiting banks, trust companies, investment companies, and other similar companies in certain cities to solicit, sell, or write insurance and the penalties therefor; to harmonize provisions; and to repeal the original section, and also section 44-392, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 530. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to asbestos; to amend sections 71-6301, Revised Statutes Supplement, 1988; to redefine terms; to exempt certain activities from the provisions of the Asbestos Control Act; and to repeal the original section.

LEGISLATIVE BILL 533. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to telephone and telegraph companies; to amend section 86-303, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the condemnation of a right-of-way as prescribed; and to repeal the original section.

LEGISLATIVE BILL 534. Introduced by Withem, 14th District; Barrett, 39th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1495, 49-14,105, 49-14,107, 49-14,108, 49-14,110, 49-14,112, 49-14,114, and 49-14,118, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the filing of financial interest statements by appointed officeholders and appointed commission members as prescribed; to change a provision relating to the appointment of members of the Nebraska Accountability and Disclosure Commission; to prohibit commission members from engaging in certain activities regulated by the commission; to require the withdrawal from certain activities and the resignation from certain offices by appointed commission members; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 536. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate money to the University of Nebraska to fund the Nebraska Council on Economic Education and the National Center for Research in Economic Development; and to declare an emergency.

LEGISLATIVE BILL 537. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to county hospital authorities; to amend section 23-343.92, Reissue Revised Statutes of Nebraska, 1943; to permit local hospital districts to operate housing and related facilities for aged and infirm persons; and to repeal the original section.

LEGISLATIVE BILL 540. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine the terms gross receipts and retail sale; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Lindsay, 9th District; Ashford, 6th District; Landis, 46th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 44-2824 and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to authorize establishment of risk-loss trusts; to provide for the use of such trusts; to provide for applicability of certain laws; to provide requirements for certain risk-loss trusts; to provide duties for the Director of Insurance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 543. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for a minority student scholarship program.

LEGISLATIVE BILL 544. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Conway, 17th District; Coordsen, 32nd District; Withem, 14th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to the Nebraska State Insurance Program; to amend sections 44-1620, 44-1622 to 44-1623, 44-1630, and 81-8,239.01, Reissue Revised Statutes of Nebraska, 1943; to provide for an administrative fee as prescribed; to change the administrative powers and duties of the Department of Personnel and the Risk Manager; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 544A. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 545. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Conway, 17th District; Coordsen, 32nd District; Withem, 14th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to land; to create a fund; and to authorize the Department of Administrative Services to sell and convey certain tracts of land as prescribed.

LEGISLATIVE BILL 545A. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 545, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 549. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to public funds; to amend section 77-2321, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2326.01 and 77-2326.04, Revised Statutes Supplement, 1988; to change provisions relating to the substitution of securities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 550. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-215 and 37-216.01, Reissue Revised Statutes of Nebraska, 1943; to provide limitations on the issuance of certain permits and stamps; and to repeal the original sections.

LEGISLATIVE BILL 551. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to laboratories; to state intent; to define terms; to provide for certification of laboratories as prescribed; to provide requirements for certain technicians, technologists, and practitioners; to provide requirements for laboratories; to provide for waiver of certification requirements; to prohibit certain acts; to provide powers and duties for the Department of Health; to create an advisory board; to provide duties for the board; to authorize fees; to provide for rules and regulations; and to provide an operative date.

LEGISLATIVE BILL 552. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to children; to provide a procedure for the settlement of disputes concerning visitation.

LEGISLATIVE BILL 554. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to child visitation; to amend section 42-364.15, Reissue Revised Statutes of Nebraska, 1943; to adopt the Child Visitation Mediator Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 555. Introduced by Landis, 46th District; Scofield, 49th District.

A BILL FOR AN ACT relating to persons in custody; to provide for consultation with an attorney as prescribed.

LEGISLATIVE BILL 557. Introduced by Hall, 7th District; Rogers, 41st District; Labedz, 5th District; Hefner, 19th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1988; to exempt foods sold through vending machines from taxation; and to repeal the original section.

LEGISLATIVE BILL 558. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to dissolution of marriage; to amend section 42-365, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to alimony as prescribed; and to amend the original section.

LEGISLATIVE BILL 560. Introduced by McFarland, 28th District; Crosby, 29th District; Ashford, 6th District.

A BILL FOR AN ACT relating to insurance; to require infertility coverage in certain health insurance policies; and to define terms.

LEGISLATIVE BILL 562. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,207, Revised Statutes Supplement, 1988; to increase a tax levy limit; to provide duties for school boards; to authorize bonds or other evidences of indebtedness for the abatement of environmental hazards; and to repeal the original section.

LEGISLATIVE BILL 565. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to the Nebraska Short Form Act; to amend section 49-1501, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide statutory short forms for certain deeds and short form expressions as prescribed; to provide principles for the operation of such statutory short form deeds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 567. Introduced by Withem, 14th District; Ashford, 6th District; Wesely, 26th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to early childhood education; to state intent; to provide for the appointment of an advisory group; to establish the Early Childhood Training Support Center; and to provide for pilot project programs.

LEGISLATIVE BILL 567A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 567, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 571. Introduced by Hefner, 19th District; Korshoj, 16th District; Dierks, 40th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-404, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1988; to prohibit the possession or transfer of certain substances without a prescription; to define terms; to provide a penalty; to provide exceptions; and to repeal the original sections.

LEGISLATIVE BILL 577. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to venture capital; to amend sections 58-401 to 58-404, 58-413, 58-435, 58-439, and 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.07, Revised Statutes Supplement, 1988; to provide powers and duties for the Research and Development Authority related to venture capital financing; to define terms; to authorize additional uses of a fund; to adopt the Venture Capital Company Act; to provide tax credits; to eliminate the Venture Capital Network Act; and to repeal the original sections, and also sections 81-1265 to 81-1271, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 578. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to the state investment officer; to provide duties for the state investment officer with respect to corporations doing business in northern Ireland; and to require a report.

LEGISLATIVE BILL 579. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Lindsay, 9th District; McFarland, 28th District; Abboud, 12th District; Nelson, 35th District.

A BILL FOR AN ACT relating to decedents estates; to amend section 30-810, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to actions for wrongful death; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1988; to redefine the term occasional sale to include auction sales for purposes of sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 590. Introduced by Baack, 47th District; Withem, 14th District.

A BILL FOR AN ACT relating to technical community colleges; to state findings and intent; to create the Professional Staff Recruitment, Retention, and Development Program; and to provide for the distribution of funds.

LEGISLATIVE BILL 593. Introduced by Hannibal, 4th District; Lynch, 13th District; Labedz, 5th District.

A BILL FOR AN ACT relating to building and loan associations; to amend sections 8-331 and 8-343, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of branch offices of building and loan associations in foreign states; to provide for the establishment of branch offices in this state by foreign building and loan associations and to establish requirements therefor; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 594. Introduced by L. Johnson, 15th District; Ashford, 6th District; Pirsch, 10th District; Abboud, 12th District; Smith, 33rd District.

A BILL FOR AN ACT relating to nonprofit sports programs; to amend sections 25-21,196 and 25-21,198, Revised Statutes Supplement, 1988; to define a term; to change provisions relating to liability of certain persons as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 24-342, 28-105, 28-303, 29-2020, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 29-3205, Revised Statutes Supplement, 1988; to eliminate the death penalty; to eliminate certain special procedures in homicide cases; to provide a penalty; to provide for applicability to prior convictions; to provide parole and discharge limitations; to harmonize provisions; and to repeal the original sections, and also sections 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2536, 29-2538, 29-2539, 29-2542 to 29-2546, and 83-1,132, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2537, 29-2540, 29-2541, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 597. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to the Model Health Maintenance Organization Act; to amend sections 44-3248 and 44-3291, Reissue Revised Statutes of Nebraska, 1943; to provide a privilege for certain persons to not disclose information; to provide immunity as prescribed; to change provisions relating to computation of the schedule of charges for enrollee coverage for health care services; and to repeal the original sections.

LEGISLATIVE BILL 598. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to investments; to adopt the Alternative Investment Act.

LEGISLATIVE BILL 600. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to appropriations; to authorize construction at the University of Nebraska-Lincoln as prescribed; to state intent; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 601. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to political campaigns; to amend section 49-1445, Reissue Revised Statutes of Nebraska, 1943; to require formation of a campaign committee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Warner, 25th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-2215 and 39-2215.01, Reissue Revised Statutes of Nebraska, 1943, and sections 66-424, 66-473, and 66-605.02, Revised Statutes Supplement, 1988; to change provisions relating to the allocation of funds in the Highway Trust Fund to the Department of Roads as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 604. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 33-150, 81-8,134, and 81-8,139, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement that the State Athletic Commissioner remit fees to the General Fund as prescribed; to change provisions relating to physical examinations of boxers prior to matches; to require neurological examinations as prescribed; to provide duties for the State Athletic Commissioner; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 607. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to property taxation; to amend section 77-1504, Revised Statutes Supplement, 1988; to provide for adjustments to valuation by the State Board of Equalization and Assessment and county boards of equalization as prescribed; and to repeal the original section.

LEGISLATIVE BILL 610. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the Department on Aging; to amend sections 71-5906, 71-6019, 71-6021, 71-6035, 81-101, 81-2209, 81-2213, 81-2215, 81-2221, and 81-2224, Reissue Revised Statutes of Nebraska, 1943, and sections 71-2023 and 71-2041.02, Revised Statutes Supplement, 1988; to authorize the creation of the Long-Term Care Ombudsman of the Department on Aging; to authorize access to certain facilities and records; to change provisions relating to grounds for certain disciplinary actions; to harmonize references to the federal Older Americans Act; to harmonize other provisions; and to repeal the original sections.

LEGISLATIVE BILL 616. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to power suppliers; to require the installation of main electrical disconnects as prescribed; and to define terms.

LEGISLATIVE BILL 617. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to electric utilities; to provide for coordinated operation of electric power facilities and resources.

LEGISLATIVE BILL 618. Introduced by Dierks, 40th District; Baack, 47th District; Pirsch, 10th District; Schellpeper, 18th District; McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to state intent; to create a fund; and to provide funds for staff development of educational service units as prescribed.

LEGISLATIVE BILL 620. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; Lamb, 43rd District; Beck, 8th District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to hazardous waste; to amend section 81-1521.17, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to approval or disapproval of a commercial hazardous waste management facility; and to repeal the original section.

LEGISLATIVE BILL 624. Introduced by Warner, 25th District; Wehrbein, 2nd District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to unclaimed property; to amend sections 2-1223 and 24-563, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Unclaimed Property Act; to repeal the Uniform Disposition of Unclaimed Property Act; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 69-1301 to 69-1329, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 625. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; Morrissey, 1st District; Lamb, 43rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to the Department of Environmental Control; to amend sections 81-1502, 81-1504, 81-1505, 81-1505.01, 81-1507, 81-1510, 81-1518, 81-1521.08, 81-1526, 81-1528, and 81-1532, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to authorize consideration of additional factors in permitting and licensing activities; to authorize fees; to authorize the department to require the supplying of potable water; to change and provide additional criteria for rules and regulations; to change provisions relating to the disposition of certain fees; to change provisions relating to certain hearings and other proceedings; to authorize orders requiring corrective actions; to authorize administrative fines; to eliminate procedural provisions inconsistent with or duplicative of the Administrative Procedure Act; to eliminate obsolete provisions relating to local pollution control programs and rules and regulations governing mineral exploration holes; to eliminate certain provisions relating to permits for commercial hazardous waste management facilities; to harmonize provisions; and to repeal the original sections, and also sections 81-1505.02 and

81-1521.21 to 81-1521.23, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 628. Introduced by Robak, 22nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to notice of public meetings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 632. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to retirement; to amend section 79-1515, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to credit for military service by school employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 636. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-601, Reissue Revised Statutes of Nebraska, 1943; to remove benefits for seasonal employees as prescribed; to define terms; to provide a duty for the Commissioner of Labor; and to repeal the original section.

LEGISLATIVE BILL 638. Introduced by Baack, 47th District; Withem, 14th District.

A BILL FOR AN ACT relating to ballots; to amend sections 14-205, 19-408, 32-420.02, 32-424, 32-426, 32-528, and 79-803.10, Reissue Revised Statutes of Nebraska, 1943; to change the order of candidates names as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 641. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1207, 2-1207.01, and 2-1213, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to breeder awards; to change provisions relating to races limited to Nebraska-bred horses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 642. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to handguns; to provide a waiting period prior to transfer of a handgun; to require a notice; to provide for an investigation; to require records as prescribed; to provide a penalty; and to define a term.

LEGISLATIVE BILL 645. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to Morrill Hall; to authorize continued renovation; and to appropriate funds for exhibit renovation as prescribed.

LEGISLATIVE BILL 647. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend sections 72-1261, 72-1262, 72-1266, and 72-1269, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to define a term; to provide for linked deposits as prescribed; to provide duties for the state investment officer and the Nebraska Investment Council; to limit liability; to change provisions relating to rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Dierks, 40th District; Schellpeper, 18th District; Crosby, 29th District.

A BILL FOR AN ACT relating to public health; to amend sections 71-3508.03 and 71-3515.01, Revised Statutes Supplement, 1988; to eliminate a termination date for a fee on X-ray radiation-generating equipment; to change the applicability date for certain requirements for X-ray system operators; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 650. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-377 and 28-726, Revised Statutes Supplement, 1988; to change provisions relating to access to the records of certain abused or neglected persons as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 656. Introduced by Nelson, 35th District.

A BILL FOR AN ACT relating to real estate; to define terms; to provide for the registration and regulation of membership camping contracts, salespersons, and brokers as prescribed; to provide application requirements; to provide exemptions from registration; to provide for disciplinary actions; to authorize fees; to provide for disclosure; to provide for cancellation of membership camping contracts; to prohibit certain acts; to provide for enforcement; to provide penalties; and to provide for rules and regulations.

LEGISLATIVE BILL 658. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1988; to define the offense of vehicular assault; to provide penalties; to eliminate a penalty; to harmonize provisions; and to repeal the original section, and also section 39-669.39, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 659. Introduced by Lynch, 13th District; Hall, 7th District.

A BILL FOR AN ACT relating to infants; to amend sections 43-102 and 43-107, Reissue Revised Statutes of Nebraska, 1943; to require a preplacement home study in certain adoption proceedings; to provide an exception; to provide a duty for the Department of Social Services; and to repeal the original sections.

LEGISLATIVE BILL 662. Introduced by Scofield, 49th District; Chizek, 31st District; Coordsen, 32nd District; Wesely, 26th District; Landis, 46th District; Barrett, 39th District; Moore, 24th District; Smith, 33rd District; Baack, 47th District; Labedz, 5th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Services Incentive Act for Communities.

LEGISLATIVE BILL 663. Introduced by Scofield, 49th District; Pirsch, 10th District; Coordsen, 32nd District; Wesely, 26th District; Landis, 46th District; Moore, 24th District; Barrett, 39th District; Baack, 47th District; Smith, 33rd District; Bernard-Stevens, 42nd District; Labedz, 5th District.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-258 and 81-1425, Reissue Revised Statutes of Nebraska, 1943; to adopt the Juvenile Services Act; to change provisions relating to the allocation and payment of certain costs as prescribed; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice, the Department of Social Services, and the Department of Correctional Services; and to repeal the original sections.

LEGISLATIVE BILL 664. Introduced by Scofield, 49th District; Chizek, 31st District; Pirsch, 10th District; Wesely, 26th District; Landis, 46th District; Labedz, 5th District; Smith, 33rd District; Baack, 47th District.

A BILL FOR AN ACT relating to children; to amend section 83-101.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Childrens Mental Health Policy Act; to rename the Department of Public Institutions to the Department of Community and Residential Services; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 666. Introduced by Scofield, 49th District; Baack, 47th District; Smith, 33rd District; Labedz, 5th District.

A BILL FOR AN ACT relating to mental health; to adopt the Prevention Services Act for Children and Family Mental Health.

LEGISLATIVE BILL 667. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Revised Statutes Supplement, 1988; to change a penalty provision for the offense of issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 668. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to courts; to amend section 27-404, Reissue Revised Statutes of Nebraska, 1943; to change evidence rule 404 relating to the admissibility in evidence of certain crimes, wrongs, or acts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 672. Introduced by Scofield, 49th District; Coordsen, 32nd District; Hall, 7th District; Dierks, 40th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to economic development; to create the Rural Development Innovations Grant Program; to provide purposes for the program; to create an advisory committee; and to make an appropriation.

LEGISLATIVE BILL 673. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to insurance; to amend sections 13-919 and 84-712.05, Reissue Revised Statutes of Nebraska, 1943, and sections 25-213 and 81-8,227, Revised Statutes Supplement, 1988; to repeal the Nebraska Hospital-Medical Liability Act; to harmonize provisions; and to repeal the original sections, and also sections 44-2801 to 44-2855, Reissue Revised Statutes, of Nebraska, 1943.

LEGISLATIVE BILL 674. Introduced by Pirsch, 10th District; Nelson, 35th District; Crosby, 29th District; Peterson, 21st District; Beck, 8th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-808 and 28-809, Revised Statutes Supplement, 1988; to change provisions relating to the sale of obscene materials to minors and the admission of minors to an obscene motion picture, show, or presentation as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 675. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide an appropriation for a helicopter.

LEGISLATIVE BILL 677. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide an appropriation for overtime compensation for drug investigators as prescribed.

LEGISLATIVE BILL 678. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to children; to amend section 68-1206, Reissue Revised Statutes of Nebraska, 1943, and section 79-444, Revised Statutes Supplement, 1988; to state intent and findings; to define terms; to require a fee schedule for rates charged for certain child care services; to require training for providers of early childhood programs; to create a fund; to appropriate funds; to require an information hotline for providers of early childhood programs; to provide for voluntary registration of unlicensed day care home providers; to create a committee; to provide duties; to authorize early childhood programs in residential zones; to require notice of communicable diseases; to provide for inspection of certain day care homes; to create a division in the State Department of Education; to authorize transportation to and from certain programs; to eliminate a requirement for certain statewide child care services; and to repeal the original sections, and also section 43-531, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 678A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, First Session, 1989; to provide for a transfer of funds; and to reappropriate funds.

LEGISLATIVE BILL 682. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to underground storage tanks; to amend sections 81-15,117 to 81-15,121 and 81-15,123 to 81-15,127, Reissue Revised Statutes of Nebraska, 1943, and section 81-15,122, Revised Statutes Supplement, 1988; to restate intent; to define and redefine terms; to change provisions relating to permits for and registrations of tanks; to provide and change fees; to create a fund; to authorize rules and regulations; to change provisions relating to releases of regulated substances; to require the furnishing of information as prescribed; to provide liability for certain costs; to change provisions relating to assessment of a fine; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 685. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-824, 29-825, and 29-826, Reissue Revised Statutes of Nebraska, 1943; to provide an additional right of appeal; to eliminate a provision for withdrawal and refiling of a complaint as prescribed; to repeal the original sections, and also section 29-827, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 686. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-180.07, Reissue Revised Statutes of Nebraska, 1943; to change a provision which provides a defense to the offense of selling to a minor; and to repeal the original section.

LEGISLATIVE BILL 688. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1901 and 71-2017.01, Revised Statutes Supplement, 1988; to authorize staff persons employed by licensed child care providers and certain residential facilities to perform health-related services as prescribed; to provide for training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Lindsay, 9th District; Lynch, 13th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend sections 83-210.01 and 83-210.04 to 83-210.07, Reissue Revised Statutes of Nebraska, 1943, and section 83-211, Revised Statutes Supplement, 1988; to define terms; to provide for contracts for certain vending facility operations; to provide an exemption; to change provisions relating to the licensing of blind persons; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Moore, 24th District; Peterson, 21st District; Elmer, 38th District; Robak, 22nd District.

A BILL FOR AN ACT relating to motorcycles; to amend sections 39-6,211 to 39-6,213, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the required wearing of protective helmets as prescribed; to change provisions relating to approved protective helmets and conformance with federal standards; and to repeal the original sections.

LEGISLATIVE BILL 692. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to bonds; to amend section 10-142, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to refunding bonds issued by certain public entities; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Morrissey, 1st District; Korshoj, 16th District; Chambers, 11th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-216.01, 32-221, and 32-225, Reissue Revised Statutes of Nebraska, 1943; to provide for voter registration on election day; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 696. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to public power; to amend sections 70-601 and 70-655, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the establishment of rates and charges by the board of directors of public power districts; to provide a procedure for the review of such rates and charges; to provide a statute of limitations; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 702. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate the ex officio member of the executive board; and to repeal the original section.

LEGISLATIVE BILL 703. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to hours of operation; and to repeal the original section.

LEGISLATIVE BILL 704. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103, 53-123.04, and 53-175, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to authorize certain sales of alcoholic liquor between retailers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 707. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702 and 77-2703, Revised Statutes Supplement, 1988; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 708. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to colleges and universities; to state intent; to prohibit certain acts by intercollegiate athletic associations, colleges, and universities relating to certain financial aid grants; to provide penalties and for civil actions; to provide duties for the Attorney General; and to provide for applicability.

LEGISLATIVE BILL 709. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to require payment of football players as prescribed; to state intent; and to provide a limitation.

LEGISLATIVE BILL 713. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,177, Reissue Revised Statutes of Nebraska, 1943; to provide an exception for certain overwidth vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Lamb, 43rd District; Scofield, 49th District; Dierks, 40th District.

A BILL FOR AN ACT relating to water; to amend sections 33-105, 46-233.01, 46-233.02. 46-613.01, and 46-613.02, Reissue Revised Statutes of Nebraska, 1943; to provide a fee; to change provisions relating to diversion and storage of surface water and withdrawal and transportation of ground water in Nebraska for use in another state; to change and provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 716. Introduced by Schmit, 23rd District; Elmer, 38th District.

A BILL FOR AN ACT relating to water management; to create the Water Impoundment Construction Trust Fund; and to appropriate funds.

LEGISLATIVE BILL 718. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to fuels; to amend section 66-1308, Revised Statutes Supplement, 1988; to provide for a refund of certain taxes; and to repeal the original section.

LEGISLATIVE BILL 719. Introduced by Withem, 14th District; Baack, 47th District.

A BILL FOR AN ACT relating to telephone services; to state intent; to define terms; to provide for the funding of 911 emergency telephone communications systems; to authorize a surcharge and certain agreements; and to provide immunity from liability.

LEGISLATIVE BILL 720. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to paupers; to amend section 68-1207, Reissue Revised Statutes of Nebraska, 1943; to provide a duty for the Director of Social Services; to provide for caseload standards; and to repeal the original section.

LEGISLATIVE BILL 720A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 720, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 723. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to mental health; to amend sections 83-380.01, 83-1002, and 83-1062, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988; to change provisions relating to prescription medicine being provided to an indigent person who received mental health treatment as prescribed; to define a term; to provide enforcement of and transportation for treatment of certain mentally ill persons as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 724. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2017.03, Revised Statutes Supplement, 1988; to change a provision relating to the construction of the terms home for aged, home for aged or infirm, and nursing home; and to repeal the original section.

LEGISLATIVE BILL 725. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-107, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the destruction of records of certificates of title; and to repeal the original section.

LEGISLATIVE BILL 726. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to the Emergency Medical Technician-Paramedic Act; to amend sections 71-5509, 71-5510, 71-5511, 71-5512, 71-5513, 71-5514, 71-5515, 71-5516, 77-5521, and 71-5523, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5502, 71-5504, 77-5508, 77-5517, 71-5519, and 77-5520, Revised Statutes Supplement, 1988; to redefine and define terms; to change provisions relating to emergency medical technicians; to change certification requirements; to change provisions relating to services performed by technicians; to provide for certification of training programs as prescribed; to transfer provisions; to change provisions relating to renewal and revocation of certification; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 729. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-379, 77-382, 77-385, and 81-125, Reissue Revised Statutes of Nebraska, 1943; to require submission of tax expenditure reports and summaries as prescribed; to change provisions relating to such reports; to eliminate obsolete language; to harmonize provisions; and to repeal the original sections, and also section 77-384, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 730. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-624.02, Reissue Revised Statutes of Nebraska, 1943; to change the compensation for certain district directors; and to repeal the original section.

LEGISLATIVE BILL 732. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Schellpeper, 18th District; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Byars, 30th District.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1002 and 83-1009, Reissue Revised Statutes of Nebraska, 1943, and section 83-1078, Revised Statutes Supplement, 1988; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to schools; to amend section 79-445, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of education and transportation costs for certain pupils; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to appropriations; to adopt the Nebraska Postsecondary Student Computer Availability Act.

LEGISLATIVE BILL 736. Introduced by R. Johnson, 34th District; Robak, 22nd District; Nelson, 35th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01, 2,1207, 2-1224, 2-1225, and 2-1227, Reissue Revised Statutes of Nebraska, 1943; to restate intent; to define and redefine terms; to change provisions relating to simulcasting; to authorize interstate simulcasting; to provide powers and duties for the State Racing Commission; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 737. Introduced by Hannibal, 4th District; Lynch, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1988; to exempt certain purchases of advertising from the sales and use tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 740. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to school nurses; to amend section 79-1233, Revised Statutes Supplement, 1988; to provide requirements for employment; and to repeal the original section.

LEGISLATIVE BILL 741. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to health; to amend section 79-321.03, Reissue Revised Statutes of Nebraska, 1943; to include certain health services in the services to be provided by schools and other agencies of the state; and to repeal the original section.

LEGISLATIVE BILL 741A. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 741, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 742. Introduced by Robak, 22nd District; Schmit, 23rd District; Chizek, 31st District; Smith, 33rd District; Ashford, 6th District; Korshoj, 16th District; Withem, 14th District; Elmer, 38th District; Moore, 24th District; Labedz, 5th District.

A BILL FOR AN ACT relating to the Motor Vehicle Operators License Act; to amend sections 60-407 and 60-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eyesight requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Smith, 33rd District; Coordsen, 32nd District; Schellpeper, 18th District; Dierks, 40th District; Labedz, 5th District; Schmit, 23rd District; Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to carry out the Nebraska Community Aging Services Act.

LEGISLATIVE BILL 746. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Bank Holding Company Act of 1963; to amend sections 8-901 and 8-902, Revised Statutes Supplement, 1988; to define terms; to require reporting as prescribed; to provide powers and duties for the Director of Banking and Finance; to provide a limitation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Chizek, 31st District; Withem, 14th District; Hartnett, 45th District; Robak, 22nd District; Ashford, 6th District; Abboud, 12th District.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3509.03, 77-3512, 77-3521, and 77-3522, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3501, 77-3509.01, 77-3509.02, 77-3510, 77-3511, 77-3513, 77-3514, 77-3516, and 77-3529, Revised Statutes Supplement, 1988; to provide an exemption based on actual value as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 747A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 747, Ninety-first Legislature, First Session, 1989.

LEGISLATIVE BILL 749. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to public depositories; to amend sections 15-847, 16-715, 72-1268.04, 77-2306, 77-2344, and 77-2355, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2320, 77-2326.04, and 77-2352, Revised Statutes Supplement, 1988; to add a permissible type of security which depositories of public funds may pledge as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 750. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Supplement, 1988; to provide for payment of sales tax on boats; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 753. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to the Medical Student Assistance Act; to amend sections 71-5613 to 71-5615, 71-5618 to 71-5621, 71-5625, 71-5628, 71-5630 to 71-5633, 71-5636, 71-5640, 71-5643, and 71-5643.01, Reissue Revised Statutes of Nebraska, 1943; to rename the act; to redefine terms; to change provisions relating to the types of students eligible for assistance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 755. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District;

Lamb, 43rd District; R. Johnson, 34th District; Weihing, 48th District.

A BILL FOR AN ACT relating to wells; to amend sections 57-905 and 81-1505, Reissue Revised Statutes of Nebraska, 1943; to provide for the delivery of certain data to the Conservation and Survey Division of the University of Nebraska as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 756. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to cities; to amend sections 16-305 and 17-108.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to combining of duties in offices and employments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 757. Introduced by Korshoj, 16th District; Beck, 8th District; Langford, 36th District; Pirsch, 10th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to naturopathic medicine; to amend sections 33-150, 48-120, 71-117, 71-119, 71-120, 71-121.01, 71-122, 71-123, 71-124, 71-124.01, 71-139, 71-174, 71-178, 71-1,103, 71-1,132.05, 71-1,132.06, 71-1,138, 71-1,187, 71-1,207, 71-1,235, and 71-1,240, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1437, 71-101, 71-102, 71-107, 71-110, 71-111, 71-112, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-118, 71-121, 71-131, 71-162, 71-1,256, 71-1,279, and 71-2802, Revised Statutes Supplement, 1988; to provide for the licensure of naturopaths; to define and redefine terms; to create a subcommittee; to provide powers and duties; to require continuing education as prescribed; to provide exceptions; to define the scope of practice for naturopaths; to create a fund; to provide penalties; to provide examinations; to provide for fees; to provide for enforcement; to harmonize provisions; to provide a termination date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2306, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the deposit of securities in lieu of bonds for depositories of state funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 764. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; R. Johnson, 34th District; Weihing, 48th District; Beck, 8th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to solid waste; to adopt the Nebraska Solid Waste Reduction and Management Act; and to appropriate funds.

LEGISLATIVE BILL 768. Introduced by Labedz, 5th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Reissue Revised Statutes of Nebraska, 1943; to authorize an occupation tax on retailers by cities as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 769. Introduced by Labedz, 5th District; Barrett, 39th District; Beck, 8th District; Beyer, 3rd District; Conway, 17th District; Coordsen, 32nd District; Crosby, 29th District; Dierks, 40th District; Elmer, 38th District; Goodrich, 20th District; Hall, 7th District; Hartnett, 45th District; Hefner, 19th District; L. Johnson, 15th District; Korshoj, 16th District; Kristensen, 37th District; Lamb, 43rd District; Langford, 36th District; Lindsay, 9th District; Lynch, 13th District; McFarland, 28th District; Peterson, 21st District; Pirsch, 10th District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District; Schmit, 23rd District; Wehrbein, 2nd District; Abboud, 12th District.

A BILL FOR AN ACT relating to abortion; to define terms; to prohibit the performance of abortions for certain persons without notification as prescribed; to provide notification requirements; to provide exceptions to notification; to provide judicial procedure; to provide a penalty; to limit liability; and to provide severability.

LEGISLATIVE BILL 770. Introduced by Bernard-Stevens, 42nd District; Scofield, 49th District; Baack, 47th District; Schimek, 27th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for costs of academic computing and library automation at the state colleges; and to declare an emergency.

LEGISLATIVE BILL 771. Introduced by Hartnett, 45th District; Smith, 33rd District; Beck, 8th District.

A BILL FOR AN ACT relating to insurance; to provide an insurance premium reduction for certain motor vehicle owners as prescribed.

LEGISLATIVE BILL 775. Introduced by Beck, 8th District; Lindsay, 9th District; Labedz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to bingo; to amend section 9-239, Reissue Revised Statutes of Nebraska, 1943; to change the rates of tax on bingo as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 776. Introduced by Hartnett, 45th District; Schimek, 27th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3503, Reissue Revised Statutes of Nebraska, 1943; to exempt the issuance or extension of service contracts by regulated industries from certain requirements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 778. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Elmer, 38th District; Hartnett, 45th District; Beck, 8th District; Hall, 7th District.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-124.11, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to special designated permits; to establish a time limitation; to require a bond as prescribed; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2715.02, and 77-2716.01, Revised Statutes Supplement, 1988; to change income tax rates; to change provisions for calculating income tax liability as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to electricity; to adopt the Municipal Waste-to-Energy Facilities Act.

LEGISLATIVE BILL 789. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1007 and 16-1013, Reissue Revised Statutes of Nebraska, 1943; to authorize lump-sum benefits for certain police officers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 791. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to define a term; and to provide for an election relating to membership in a fire protection district.

LEGISLATIVE BILL 792. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 794. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-370, 77-519, 77-1301.01 to 77-1301.04, 77-1301.07, 77-1301.13, 77-1301.14, 77-1306.01, 77-1311, 77-1314, 77-1327, 77-1329 to 77-1334, 77-1338 to 77-1340, 77-1342, 77-1345, 77-1346, 77-1360, 77-1361, 77-1367, 77-1601, 77-1602, and 77-1615.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-510, 77-1301.06, 77-1301.08, 77-1301.12, 77-1301.15, 77-1336, 77-1358, 77-1359, 77-1362, 77-1363, 77-1364, 77-1365, 77-1368, 77-1502, 77-1503.01, 77-1504, 77-1506.02, and 77-1507, Revised Statutes Supplement, 1988; to adopt the Property Tax Equalization Commission Act; to eliminate the State Board of Equalization of Assessment; to transfer certain powers and duties; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 77-367, 77-368, and 77-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 77-501 to 77-506, 77-507.01, 77-508 to 77-509, and 77-511, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 796. Introduced by Labedz, 5th District; Lynch, 13th District; Hall, 7th District; Chizek, 31st District; Ashford, 6th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to be used for transit centers and bus shelters.

LEGISLATIVE BILL 797. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Highway Trust Fund as prescribed.

LEGISLATIVE BILL 799. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-669.08, 39-669.11, 39-669.14, 39-669.15, 39-669.16, 39-669.17, and 39-6,122, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide penalties for driving under the influence of any intoxicating drug; to provide penalties for refusal to submit to chemical testing; to provide powers and duties; to change a reporting requirement as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 802. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to rules of evidence; to amend section 27-504, Revised Statutes Supplement, 1988; to redefine a term as prescribed; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by Schmit, 23rd District; Robak, 22nd District.

A BILL FOR AN ACT relating to child and spousal support; to amend sections 25-536, 42-358.02, 42-369, 43-512, 43-512.02, 43-512.03, 43-512.05, 43-512.07, 43-512.08, 43-512.10, 43-1406, 43-1411, 43-1701, 43-1708, 43-1709, 43-1716 to 43-1720, 43-1722, 43-1723, 43-1724, 43-1725, 43-1726, 43-1727, 43-1730, 43-1734, 43-1737, 43-1740, 43-1743, 48-149, and 60-403, Reissue Revised Statutes of Nebraska, 1943; to extend personal jurisdiction as prescribed; to create a fund; to prioritize payments as prescribed; to provide duties for the clerk of the district court; to authorize medical support as prescribed; to provide a presumption concerning distribution of child support; to provide for assignments of certain support payments; to define and redefine terms; to authorize the

Department of Social Services to pay a fee; to require monthly reports; to provide for the use of funds; to change provisions relating to proceedings for paternity and collection of child and other support; to change a provision relating to notices to withhold income; to provide a penalty; to change provisions relating to workers compensation payments; to authorize the release of certain information; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 807. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 72-240.26, 77-1361, and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202, 77-1358, 77-1362, 77-1365, 77-1368, 77-2716, and 77-27,132, Revised Statutes Supplement, 1988; to provide revenue by requiring the sale of educational lands; to require reporting of such sales; to exempt certain property from taxation; to change provisions relating to valuation of agricultural and horticultural land as prescribed; to provide duties; to repeal provisions creating an advisory board; to create the Property Tax Relief Fund; to provide for the use and funding of the fund; to increase the sales tax rate; to change the distribution of certain tax revenue; to change provisions relating to taxation of interest and dividends as prescribed; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 77-1366 and 77-1367, Reissue Revised Statutes of Nebraska, 1943, and section 77-1364, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 808. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to seized property; to amend section 29-820, Revised Statutes Supplement, 1988; to authorize the sale of certain legal firearms; and to repeal the original section.

LEGISLATIVE BILL 809. Introduced by Speaker Barrett, 39th District, at the request of the Governor; Hannibal, 4th District; Weihing, 48th District; Smith, 33rd District; Kristensen, 37th District; Abboud, 12th District; Beck, 8th District; Ashford, 6th District; Wehrbein, 2nd District; Moore, 24th District; Bernard-Stevens, 42nd District; Warner, 25th District; Conway, 17th District; Crosby, 29th District; Langford, 36th District; Elmer, 38th District; Byars, 30th District; Hefner, 19th District; Coordsen, 32nd District; Lamb, 43rd District; Rogers, 41st District; Beyer, 3rd

District; Peterson, 21st District; Goodrich, 20th District; L. Johnson, 15th District; Nelson, 35th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-205, 77-206, 77-628, 77-1616, and 77-1716, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,158, Revised Statutes Supplement, 1988; to adopt the Property Tax Relief Trust Fund Act; to change the due date and delinquency date for the payment of personal property taxes; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 809A. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 809, Ninety-first Legislature, First Session, 1989; and to declare an emergency.

LEGISLATIVE RESOLUTION 8CA. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson; Nelson, 35th District; McFarland, 28th District; Lindsay, 9th District; Abboud, 12th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article I, section 23, Article V, sections 2 and 8, and Article XV, section 9, and by repealing Article I, section 24.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article I, section 23, Article V, sections 2 and 8, and Article XV, section 9, and by repealing Article I, section 24, which is hereby proposed by the Legislature:

CI-23 "In all ~~cases of felony the defendant shall have the right of appeal to the Supreme Court; and in capital cases such appeal~~ capital cases, appeal directly to the Supreme Court shall be as a matter of right and shall operate as a supersedeas to stay the execution of the sentence of death~~,~~ until further order of the Supreme Court. In all other cases, criminal or civil, the right of appeal shall be as provided by law subject to the absolute right of an aggrieved party to one appeal to a court authorized by or created pursuant to Article V, section 1, of this Constitution."

CV-2 "The Supreme Court shall consist of seven judges, one of whom shall be the Chief Justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Legislature may provide that any Judge of the Supreme Court or of any appellate court which may be created by law who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court or of any appellate court which may be created by law to act as associate judges of the Supreme Court, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court or of any appellate court which may be created by law are so acting, the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court or of any appellate court which may be created by law so appointed shall serve during the pleasure of the court~~,~~ and shall have all the powers of judges of the Supreme Court. The Chief Justice shall make assignments of judges to the divisions of the court, ~~and shall~~ preside over the division of which he or she is a member, and designate the presiding judge of the other division. The judges of the Supreme Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute~~,~~ and all appeals ~~from conviction of homicide;~~ involving capital cases and may review any decision rendered by a division of the court. In such cases, in the event of the disability or disqualification by interest or otherwise~~,~~ of any of the judges of the Supreme Court, the court may appoint judges of the district court or of any appellate court which may be created by law to sit temporarily as judges of the Supreme Court, sufficient to constitute a full court of seven judges. Judges of the district court or of any appellate court which may be created by law shall receive no additional salary by virtue of their appointment and service as herein provided, ~~;~~ but they shall be reimbursed their necessary traveling and hotel expenses."

CV-8 "~~There shall be appointed by the supreme court, a clerk and a reporter of the court, each of whom shall hold his office for a term of six years, unless sooner removed by the court, and their salaries shall be fixed by law; the clerk shall also act as librarian of the law and miscellaneous library of the state. The court shall also~~ The Supreme Court shall appoint such ~~clerical help~~ staff as may be needed for the proper dispatch of the business of the court. The court shall prepare and recommend to each session of the Legislature a budget of the estimated expenses of the court. The copyright of the state reports shall forever remain the property of the state."

CXV-9 "Laws may be enacted providing for the investigation, submission, and determination of controversies between employers and employees in any business or vocation affected with a public interest~~,~~ and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An Industrial Commission may be created for the purpose of administering such laws, and appeals ~~shall lie to the Supreme~~

~~Court from the final orders and judgments of such commission~~ shall be as provided by law.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide a right of direct appeal to the Supreme Court in capital cases, to provide that the right of appeal in all other cases shall be as provided by law, to authorize the Supreme Court to assign duties to judges of any appellate court which may be created by law, to eliminate specific provisions on the clerk and reporter of the Supreme Court, and to harmonize provisions.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 11CA. Introduced by Scofield, 49th District; Smith, 33rd District; Schellpeper, 18th District; Peterson, 21st District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article XIII, section 2.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article XIII, section 2, which is hereby proposed by the Legislature:

CXIII-2 "Notwithstanding any other provision in the Constitution, the Legislature may authorize any county~~,~~ or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section~~,~~ shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such sums of money as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to empower the Legislature to authorize incorporated cities and villages to use local sources of revenue for economic and industrial development with voter approval.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 13CA. Introduced by Baack, 47th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, sections 2, 3, and 4.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article III, sections 2, 3, and 4, which is hereby proposed by the Legislature:

CIII-2 "The first power reserved by the people is the initiative ~~whereby~~ by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by a petition ~~wherein~~ which may be signed by any individual registered to vote in the state, and in which the proposed measure shall be set forth at length. ~~If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters.~~

The number of signatures of registered voters that must be affixed to a petition in order for the measure it proposes to be submitted to the voters shall be calculated as a percentage of the total number of votes cast for Governor at the general election next preceding the filing of the petition. The percentages shall be as follows:

(1) When no payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, (a) seven percent if the petition proposes the enactment of a law and (b) ten percent if the petition proposes the adoption of a constitutional amendment; and

(2) When payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, (a) fourteen percent if the petition proposes the enactment of a law and (b) twenty percent if the petition proposes the adoption of a constitutional amendment.

In all cases, the registered voters signing such petition shall be ~~so~~ distributed so as to ~~include~~ equal at least five percent of the ~~registered voters of~~ votes cast for Governor at the general election next preceding the filing of the petition in each of two-fifths of the counties of the state. When ~~, and when~~ thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the ~~electors~~ registered voters of the state at the first general election held not less than four months after such petition ~~shall have been~~ is filed.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once ~~in~~ every three years. If conflicting measures submitted to the people at the same election ~~be~~ are approved, the one receiving the highest number of affirmative votes shall ~~thereby~~ become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

CIII-3 "The second power reserved is the referendum which may be invoked~~,~~ by a petition~~,~~ which may be signed by any individual registered to vote in the state against any act or part of an act of the Legislature~~,~~ except those making appropriations for the ~~expense~~ expenses of the state government.

The method of calculating the number of signatures of registered voters required in order to invoke the referendum to be submitted to the voters shall be the same as is provided for an initiative petition. When no payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be five percent. When payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be ten percent. ~~or a state institution existing at the time of the passage of such act.~~ Petitions invoking the referendum shall be signed by ~~not less than five percent of the~~ registered voters ~~of the state,~~ distributed as required for initiative petitions~~,~~ and filed in the office of the Secretary of State within ninety days after the ~~Legislature~~ ~~at~~ legislative session during which the act sought to be referred was passed ~~shall have~~ has been adjourned sine die or for more than ninety days.

Such petition shall set out the title of the act against which the referendum is invoked and~~,~~ in addition, ~~thereto,~~ when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act. ~~designating such portion.~~ When the referendum is thus invoked, the Secretary of State shall refer ~~the same~~ it to the ~~electors~~ registered voters for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by a petition signed by ~~not less than ten percent of the~~ registered voters ~~of the state~~ in the percentage further provided in this section, calculated and distributed as ~~aforesaid~~ required for initiative petitions, it shall suspend ~~the taking effect of~~ such act or part of an act from taking effect until ~~the same~~ it has been approved by the ~~electors~~ registered voters of the state. When no payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be ten percent. When payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses incurred as a result of such circulation, the percentage required shall be twenty percent."

CIII-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast ~~thereon~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof,~~ of the measure and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution~~,~~ entitled~~,~~ "Amendments" and the latter shall in no case be construed to conflict ~~herewith~~ with this section. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted ~~in pursuance hereof~~ by initiative or referendum shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot. When ~~and when~~ two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State, and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to increase the percentage of signatures required for an initiative or referendum petition when payment in money, goods, or any other thing of value is made to any individual in return for the circulation of a petition, other than the payment of actual and reasonable expenses, and to harmonize provisions.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 19CA. Introduced by Hartnett, 45th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article IV, section 28, and by adding a new section 29 to Article IV.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article IV, section 28, by adding a new section 29 to Article IV which is hereby proposed by the Legislature:

CIV-28 "A Tax Commissioner shall be appointed by the Governor with the advice and consent of the ~~Senate~~ Legislature. ~~He~~ The Tax Commissioner shall have jurisdiction over the administration of the revenue laws of the state~~,~~ and ~~together with the Governor, Secretary of State, State Auditor and State Treasurer shall have power to review and equalize assessments of property for taxation within the state. He~~ shall have such other powers and perform such other duties as the Legislature may provide. ~~His~~ The term of office and compensation of the Tax Commissioner shall be as provided by law."

CIV-29 "The Property Tax Equalization Commission shall be appointed by the Governor with the advice and consent of the Legislature. The commission shall equalize assessments between counties and, as provided by law, shall hear appeals from local boards of equalization in individual cases and correct any assessment which is shown to be unlawful, unfair, arbitrary, or capricious. The commission shall perform all other duties prescribed by law. The Legislature shall otherwise provide for the membership of the commission.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer and to establish the Property Tax Equalization Commission.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

FIRST DAY - JANUARY 3, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 3, 1990

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-First Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m., Wednesday, January 3, 1990, and was called to order by President Nichol.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris
Ashford, Brad
Baack, Dennis G.
Barrett, William E.
Beck, Sharon
Beyer, Emil E., Jr.
Byars, Dennis
Chizek, Jerry
Conway, Gerald A.
Coordsen, George
Crosby, LaVon
Dierks, Merton L.
Elmer, W. Owen
Goodrich, Glenn A.
Haberman, Rex
Hall, Timothy J.
Hannibal, Gary E.
Hartnett, D. Paul
Hefner, Elroy M.
Johnson, Lowell C.
Johnson, Rod
Korshoj, Frank
Kristensen, Doug
Labedz, Bernice
Lamb, Howard A.
Landis, David M.
Langford, Lorraine
Lindsay, John C.
Lynch, Dan
McFarland, James D.
Moore, Scott
Morrissey, Spencer W.
Nelson, Arlene B.

Peterson, Richard
Pirsch, Carol McBride
Robak, Jennie
Rogers, Carson H.
Schellpeper, Stan
Schimek, DiAnna R.
Schmit, Loran
Scofield, Sandra
Smith, Jacklyn J.
Warner, Jerome
Wehrbein, Roger R.
Weihing, John L.
Wesely, Don
Withem, Ronald

Messrs. David F. Bernard-Stevens and Ernie Chambers were excused until they arrive.

MOTION - Adopt Temporary Rules

Mr. Barrett moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 3, 1990.

The motion prevailed.

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached represents a true and correct roster of members of the Nebraska Unicameral Legislature serving in the Ninety-first Legislature, Second Session.

Further, I hereby certify that all members whose names appear on the roster with the district designation have been duly elected or appointed to serve as a member of the Legislature in the Ninety-first Legislature, Second Session.

Finally, I hereby certify that all election or appointment records are a matter of public record in the office of Secretary of State.

Further, I saith not.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this third day of January in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) (Signed) ALLEN J. BEERMANN
Secretary of State

DISTRICT	NAME	ELECTED
1	Spencer W. Morrissey	November 8, 1988
2	Roger R. Wehrbein	November 4, 1986
3	Emil E. Beyer, Jr.	November 8, 1988
4	Gary Hannibal	November 4, 1986
5	Bernice Koziol Labedz	November 8, 1988
6	Brad Ashford	November 4, 1986
7	Tim Hall	November 8, 1988
8	Sharon Beck	*Appt'd. January 4, 1989
9	John C. Lindsay	November 8, 1988
10	Carol McBride Pirsch	November 4, 1986
11	Ernie Chambers	November 8, 1988
12	Chris Abboud	November 4, 1986
13	Daniel C. Lynch	November 8, 1988
14	Ron Withem	November 4, 1986
15	Lowell C. Johnson	November 8, 1988
16	Frank Korshoj	November 4, 1986
17	Gerald Conway	November 8, 1988
18	Stan Schellpeper	November 4, 1986
19	Elroy M. Hefner	November 8, 1988
20	Glenn A. Goodrich	November 4, 1986
21	Richard Peterson	November 8, 1988
22	Jennie Robak	November 8, 1988
23	Loran Schmit	November 8, 1988
24	Scott Moore	November 4, 1986
25	Jerome Warner	November 8, 1988
26	Don Wesely	November 4, 1986
27	DiAnna R. Schimek	November 8, 1988
28	James D. McFarland	November 4, 1986
29	LaVon Crosby	November 8, 1988
30	Dennis M. Byars	**Appt'd. December 16, 1988
31	Jerry Chizek	November 8, 1988
32	George Coordsen	November 4, 1986
33	Jacklyn Smith	November 8, 1988
34	Rod Johnson	November 4, 1986
35	Arlene Nelson	November 8, 1988
36	Lorraine Langford	November 4, 1986
37	Doug Kristensen	November 8, 1988
38	W. Owen Elmer	November 4, 1986

39	William E. Barrett	November 8, 1988
40	Merton L. Dierks	November 4, 1986
41	Carson Rogers	November 8, 1988
42	David Bernard-Stevens	November 8, 1988
43	Howard A. Lamb	November 8, 1988
44	Rex S. Haberman	November 4, 1986
45	D. Paul Hartnett	November 8, 1988
46	David M. Landis	November 4, 1986
47	Dennis Baack	November 8, 1988
48	John L. Weihing	November 4, 1986
49	Sandra K. Scofield	November 8, 1988

*Appt'd. to fill vacancy created by resignation of Vard R. Johnson
**Appt'd. to fill vacancy created by resignation of Patricia S. Morehead

REPORTS

The following reports were received by the Legislature:

Statements of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar months of October and November, 1989, from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1988.

Minutes of the Board of Public Roads Classifications and Standards for October and November, 1989.

Annual report of the Nebraska Public Counsel/Ombudsman in accordance with Section 81-8,251, R.R.S. 1943.

Report from the State Tax Commissioner on the independent study of the rental earnings approach as a sole basis for assessment and valuation pursuant to Section 77-1370, R.S. Supp., 1989.

Annual report from the Nebraska Department of Social Services on early childhood licensing in accordance with Nebraska Revised Statutes, Section 71-1910.

Annual report from the Nebraska Investment Finance Authority.

Report from the Judiciary Committee on liability issues relating to tort liability pursuant to Section 18 of LB 761.

Report from the Nebraska Department of Roads on the state highway system's plan and needs, the priority listings of highway groupings, and current inventory and condition data in accordance with the Nebraska Revised Statutes, Section 39-1365.02, 1988 Supplement.

Interim report from the Franklin Committee of the Legislature pursuant to Legislative Resolution No. 5, 1989, relating to the failure of the Franklin Credit Union.

Annual report from the Franklin Committee of the Legislature pursuant to Legislative Resolution No. 5, 1989, relating to the failure of the Franklin Credit Union.

Report from the Department of Agriculture, Bureau of Animal Industry, on the Nebraska Pseudorabies Eradication Plan pursuant to LB 574, 1989.

Report from the Education Committee of the Legislature on LB 183, 1989, Enrollment Option Program.

Report from the Nebraska Department of Roads on the one-year and five-year plan of anticipated design, construction, and improvement for all exterior access roads and interior service roads as certified by the Game and Parks Commission in accordance with Section 39-1392 R.R.S. 1943.

Report from the Nebraska Game and Parks Commission on the one-year and five-year recreation road plan of proposed projects on exterior access and interior park roads in accordance with Section 39-1391-92, R.R. Statutes 1974.

Biennial report from the Nebraska Coordinating Commission for Postsecondary Education pursuant to LB 981, 1984.

Annual report from the Nebraska Public Service Commission on the status of the Nebraska Telecommunications Industry in accordance with the Telecommunications Act of 1986, Section 86-804, Neb. Rev. Stat. 1943.

COMMUNICATION

Received communication from US Ecology, Inc. consistent with the central interstate low-level radioactive waste disposal facility.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lewis & Clark	
Attorneys	5,288.19
Lower Platte South	
Crosby, Guenzel, Davis, Kessner & Kuester	26,043.49
Lower Republican	
Duncan, Duncan, Jelken & Walker	18.00
North Platte	
Holtorf, Kovarik, Nuttlemen & Ellison, P.C.	250.00
South Platte	
Van Steenberg, Myers & Burke	1,504.00
Tri-Basin	
Anderson, Klein, Peterson & Swan	1,876.38
Nebraska Reporters Service	230.25
Twin Platte	
Nielsen & Birch	2,075.80
Bruce Cutshall	4,000.00
Upper Loup	None
Upper Niobrara-White	
James W. Slavik	40.00

MESSAGES FROM THE GOVERNOR

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Health, requiring legislative confirmation.

> Appointee: Margaret A. Allington, 6420 Rainier Drive, Lincoln, NE 68510, (402) 466-6693.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Health, requiring legislative confirmation.

> Appointee: Bruce L. Gilmore, 2418 Mahood Drive, Columbus, NE 68601, (402) 564-2807.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Board of Health, requiring legislative confirmation.

Appointee: Patricia A. McQuillan, P.O. Box 303, Greeley, NE 68842, (308) 428-4985.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Health, requiring legislative confirmation.

Appointee: Kathryn Weil Simon, 9742 Brentwood Rd., Omaha, NE 68114, (402) 397-9742.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Board of Health, requiring legislative confirmation.

Appointee: David L. Timperley, 4535 Normal Blvd., Lincoln, NE 68506, (402) 483-6633.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Manpower, requiring legislative confirmation.

Appointee: Stuart P. Embury, M.D., Box 206, Holdrege, NE 68949, (308) 995-8605.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker

and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Manpower, requiring legislative confirmation.

Appointee: Ron Ross, 1220 North Street, Cambridge, NE 69022, (308) 697-3329.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Rural Health Manpower, requiring legislative confirmation.

Appointee: Connie L. Russel, Route 1, Box 162, Mitchell, NE 69357, (308) 436-3104.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Rural Health Manpower, requiring legislative confirmation.

Appointee: Marilyn Wartig, 613 14th Street, Wisner, NE 68791, (402) 529-6620.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 6, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Health, requiring legislative confirmation.

Appointee: Carl I. Maltas, 1500 Koenigstein, Norfolk, NE 68701, (402) 371-3402.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 15, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Foster Care Review Board, requiring legislative confirmation.

Appointee: Alice Bartels, Box 1, Tobias, NE 68453, (402) 446-7265.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 15, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Foster Care Review Board, requiring legislative confirmation.

Appointee: Betty Matz, 911 Avenue C, Cozad, NE 69130, (308) 784-3335.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:tr

December 15, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Job Training Council, requiring legislative confirmation.

Appointee: Alan Simon, P.O. Box 3300, Omaha, NE 68103, (402) 331-1010.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 15, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Oil and Gas Conservation Commission, requiring legislative confirmation.

Appointee: James (Sonny) Eatmon, 5 Crestwood Drive, Kimball, NE 69145, (308) 235-2941.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 15, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Oil and Gas Conservation Commission, requiring legislative confirmation.

Appointee: John Mason, 2411 Craig Avenue, Sidney, NE 69162, (308) 254-2800.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 818. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to public health; to eliminate a provision on transfer of records, files, and other information from the Board of Examiners in Osteopathy to the Board of Examiners in Medicine and Surgery; and to repeal section 71-112.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 819. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1514.05, Reissue Revised Statutes of Nebraska, 1943; to repeal provisions which authorized certain actions to be made from January 1, 1987, to June 30, 1988; to harmonize provisions; and to repeal the original section, and also sections 79-1514.03 and 79-1514.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 820. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to paupers and public assistance; to amend sections 68-601 to 68-604, 68-608, 68-610, 68-612, 68-617, 68-618, 68-620, 68-622, and 68-631, Reissue Revised Statutes of Nebraska, 1943; to correct references to a repealed section; to eliminate sections relating to certain vendor payments and duties of the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 68-720 and 68-722, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 821. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to counties; to amend sections 22-408, 23-1505, 23-1704.01, 23-1720, 23-1901, 24-534, 25-2215, 25-2216, 25-2217, 32-308, 32-310, 32-310.01, 33-118, 65-101, 77-366, 77-403, 77-404, 77-406, 77-407, 77-423, 77-426, 77-428, 77-1311, 79-311, 79-311.10, 79-312, 79-314, 79-315, 79-316, 79-317, 79-319, 79-320, 79-320.01, 84-801, 84-802, 84-803, 84-807, 84-808, and 84-809, Reissue Revised Statutes of Nebraska, 1943, sections 77-115, 77-401, 77-408, 77-409, 77-410, 77-412, 77-412.01, 77-429, 77-430, and 77-1318, Revised Statutes Supplement, 1988, and section 77-401.02, Revised Statutes Supplement, 1989; to transfer and combine provisions relating to county clerks, registers of deeds, treasurers, sheriffs, surveyors, assessors, and superintendents and deputies of county officials; to eliminate a provision relating to assessment of property on and after January 1, 1970, and continuation in office of an assessor in office on such date; to harmonize provisions; and to repeal the original sections, and also sections 77-1341 and 79-313, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 822. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to courts; to amend sections 5-105, 5-109, 24-501, 24-502, 24-503, 24-511, 24-514, 24-810, 24-1002, 25-21,205, 29-1804, 29-1804.03 to 29-1804.05, 29-1804.07 to 29-1804.13, 29-1805.01 to 29-1805.10, 29-1824 to 29-1828, 32-513, 65-101, and 83-1017, Reissue Revised Statutes of Nebraska, 1943; to transfer provisions relating to judicial districts, public defenders, appointed counsels, and administration of oaths; to change references to transferred and repealed statutes; to change coverage of a statement of claims to reflect annual legislative sessions; to eliminate provisions providing when a 1963 salary change was effective, ratifying the exercise of jurisdiction after January 1, 1973, until September 2, 1977, providing for the transfer of causes pending in and records of certain courts in 1973 and 1985, defining terms, and providing when certain sections were operative; to harmonize provisions; and to repeal the original sections, and also sections 24-301.06, 24-517.02, 24-591, 29-1804.14, and 29-1805.11, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 823. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to employees; to amend sections 24-619 and 24-620, Reissue Revised Statutes of Nebraska, 1943; to transfer provisions relating to certain trusts and plans created by employers for the benefit of employees; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to state agencies; to amend section 24-604.01, Reissue Revised Statutes of Nebraska, 1943; to transfer a provision relating to holding and evidencing securities; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to public depositories; to amend section 17-720, Reissue Revised Statutes of Nebraska, 1943; to implement a duty of the Revisor of Statutes by changing provisions relating to the investment of public funds; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 2-15,108, Reissue Revised Statutes of Nebraska, 1943, and section 37-1408, Revised Statutes Supplement, 1989; to correct and harmonize internal references to the secretary of the commission; and to repeal the original sections.

LEGISLATIVE BILL 827. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,128, Revised Statutes Supplement, 1989; to change a reference to a motorcycle operator's license or permit to harmonize with the classification of licenses made by Laws 1989, LB 285; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 828. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to public health; to amend sections 71-1,187, 71-1,188, 71-1522, 71-1527, 71-1528, 71-1537, 71-1539, 71-1551, and 71-1554, Reissue Revised Statutes of Nebraska, 1943; to change internal references as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Executive Board: Labedz, 5th District, Chairperson.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2020 and 29-3004, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; to change a provision relating to the request for a bill of exceptions; to change a provision relating to compensation of attorneys in postconviction proceedings; to eliminate a provision providing for the payment of the costs of incarceration by certain prisoners which terminated on July 1, 1988; and to repeal the original sections, and also section 29-1006, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 830. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to public buildings and land; to amend sections 72-811 to 72-814, 72-816, and 72-817, Revised

Statutes Supplement, 1988, and section 72-815, Revised Statutes Supplement, 1989; to change provisions relating to vacant state-owned buildings; to provide procedures for disposition of excess state-owned land; to define terms; to rename a committee and a fund; to eliminate a requirement for legislative approval of certain sales; to transfer funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 831. Introduced by Labedz, 5th District.

A BILL FOR AN ACT relating to the Land Reutilization Commission; to amend section 77-3203, Reissue Revised Statutes of Nebraska, 1943; to change the number of members on such commission; and to repeal the original section.

LEGISLATIVE BILL 832. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1989; to increase the tax imposed on the sales or use of motor vehicles, trailers, and semitrailers and services related thereto; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 833. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to retirement; to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943; to lower the minimum age for voluntary participation in the State Employees Retirement System as prescribed; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to retirement; to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943; to change the age for voluntary membership in the State Employees Retirement System; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to parental liability; to amend section 43-801, Reissue Revised Statutes of Nebraska, 1943; to provide and change liability provisions for parents, guardians, and legal custodians; to change and provide maximum damage awards; and to repeal the original section.

LEGISLATIVE BILL 836. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-802, 86-803, 86-809, and 86-811, Reissue Revised Statutes of Nebraska, 1943; to provide for rate regulation of telecommunications companies by the Public Service Commission as prescribed; to change provisions relating to review and adjustment of rates set by telecommunications companies; to eliminate a termination date for averaging rates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 837. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to African-Americans; to create the Commission on African-American Affairs; to provide powers and duties; and to provide for an executive board and a director.

LEGISLATIVE BILL 838. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2485, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to claims against decedents' estates; and to repeal the original section.

LEGISLATIVE BILL 839. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 30-2665, Reissue Revised Statutes of Nebraska, 1943; to adopt the Rights of the Terminally Ill Act; to provide penalties; to redefine durable power of attorney; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 840. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-910, Revised Statutes Supplement, 1988; to state intent; to create the Eminent Scholar Program; to create a fund; to provide procedures and criteria; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-239 and 9-240, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1208.01 and 9-344, Revised Statutes Supplement, 1989; to change dates relating to taxation of wagering on certain horseracing; to change the percentage of tax collected on horseracing, bingo, and pickle cards; to eliminate a tax imposed by certain political subdivisions on bingo; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 842. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-413, Revised Statutes Supplement, 1989; to provide for issuance of certain permits for hunting on the Garden County game refuge; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1331, 79-3402 to 79-3407, 79-3409, 79-3410, and 79-3414 to 79-3416, Revised Statutes Supplement, 1989; to change provisions relating to the enrollment option program; to redefine terms; to change provisions relating to limitations on transfers as prescribed; to provide for determining enrollment and capacity; to eliminate restrictions on solicitation of transfers; to change provisions relating to deadlines as prescribed; to change provisions relating to payments under the enrollment option program as prescribed; to change a calculation under the School Foundation and Equalization Act as prescribed; to eliminate a restriction on eligibility for athletic competition; to harmonize provisions; and to repeal the original sections, and also section 79-3411, Revised Statutes Supplement, 1989.

LEGISLATIVE BILL 844. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1724, Reissue Revised Statutes of Nebraska, 1943; to change provisions for notice of sale of property taken on distress warrant; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to technical community colleges; to state intent; to provide equalization aid to technical community college areas; to provide duties; to provide for the computation of such aid; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 846. Introduced by Langford, 36th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-416, Reissue Revised Statutes of Nebraska, 1943; to provide for suspension of operator's licenses issued pursuant to the Motor Vehicle Operator's License Act and driving privileges for certain offenses involving controlled substances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Langford, 36th District.

A BILL FOR AN ACT relating to motor vehicles; to provide for issuance of special license plates to Nebraska state senators as prescribed; to provide a fee; and to provide for rules and regulations.

LEGISLATIVE BILL 848. Introduced by Moore, 24th District; Coordsen, 32nd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to ground water conservation districts; to amend section 46-634.01, Reissue Revised Statutes of Nebraska, 1943, and Laws 1986, LB 124, section 3; to change the dissolution date of such districts; to change the date of the repeal of the Ground Water Conservation Act of Nebraska; and to repeal the original sections.

LEGISLATIVE BILL 849. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to livestock; to amend section 54-109, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to evidence of ownership of certain animals; and to repeal the original section.

LEGISLATIVE BILL 850. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1989; to provide a sales and use tax exempt for housing authorities; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 851. Introduced by Warner, 25th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4603.01, Revised Statutes Supplement, 1989; to provide for service taps along a pipeline as prescribed; and to repeal the original section.

LEGISLATIVE BILL 852. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to counties; to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the publication of certain proceedings; and to repeal the original section.

LEGISLATIVE BILL 853. Introduced by Nelson, 35th District; Smith, 33rd District.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-217, 16-302.01, 19-411, and 32-4,152, Reissue Revised Statutes of Nebraska, 1943; to change the manner of filling vacancies on the city council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Lindsay, 9th District; Peterson, 21st District; Crosby, 29th District; Dierks, 40th District; Labedz, 5th District.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 28-327, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to informed consent; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to animal damage control; to amend section 81-2,236, Reissue Revised Statutes of Nebraska, 1943; to provide for funding of the state's animal damage control program; to state intent; and to repeal the original section.

LEGISLATIVE BILL 856. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3404, 2-3901, 2-3902, 2-3910, and 2-3912, Reissue Revised Statutes of Nebraska, 1943, and section 2-3914, Revised Statutes Supplement, 1988; to update references to certain federal titles and documents; to include additional procedures by reference in the Nebraska Pasteurized Milk Law as prescribed; to update effective dates to include additional referenced materials; and to repeal the original sections, and also sections 66-101 and 66-102, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 857. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to veterans' to amend section 80-401.01, Reissue Revised Statutes of Nebraska, 1943; to list the names of the recognized veterans' organizations; and to repeal the original section.

LEGISLATIVE BILL 858. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-310, Reissue Revised Statutes of Nebraska, 1943; to change provisions for the registration period for certain motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 859. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.04, Revised Statutes Supplement, 1989; to eliminate a fee; and to repeal the original section.

LEGISLATIVE BILL 860. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 39-6,211, Reissue Revised Statutes of Nebraska, 1943; to provide that protective helmet requirements do not apply in parades; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2004, Revised Statutes Supplement, 1988; to increase the amount of property exempt from inheritance tax; and to repeal the original section.

LEGISLATIVE BILL 862. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-1,101, Revised Statutes Supplement, 1989; to provide for a Gaming Commissioner; to eliminate the requirement of establishing a Gaming Commission; and to repeal the original section, and also section 9-1,102, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 863. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska, 1943; to change a reference to the National Electrical Code as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 864. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to bingo and other gambling; to restrict advertising of such activities; and to provide penalties.

LEGISLATIVE BILL 865. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943; to change provisions for the computation of the employer's contribution rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 866. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3513 and 77-3514, Revised Statutes Supplement, 1988, and sections 77-3509.04, 77-3512, 77-4203, and 77-4207, Revised Statutes Supplement, 1989; to authorize a reduction in property tax valuations and a homestead exemption for the tax year 1990; to harmonize provisions; to provide an operative date; to provide inseverability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 867. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to zoning; to require the city planning board in a city of the metropolitan class to provide notice of requests for changes in use or zoning classifications to landowners as prescribed.

LEGISLATIVE BILL 868. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 81-1801, 81-1806, 81-1808 to 81-1810, 81-1812, 81-1815 to 81-1820, and 81-1823, Reissue Revised Statutes of Nebraska, 1943, and section 81-1832, Revised Statutes Supplement, 1988; to define a term; to provide for hearings to be conducted by the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate hearing officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Wesely, 26th District; Nelson, 35th District.

A BILL FOR AN ACT relating to asbestos; to amend section 71-6317, Revised Statutes Supplement, 1988; to prohibit the deposit of asbestos or waste containing asbestos at disposal sites as prescribed; to provide a civil penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 870. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Medical Student Assistance Act; to amend sections 71-5613, 71-5618, 71-5621, 71-5628, 71-5632.01, 71-5633, and 71-5643.01, Reissue Revised Statutes of Nebraska, 1943; to permit students of osteopathic medicine to obtain assistance pursuant to the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 871. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2017.01, Revised Statutes Supplement, 1989; to redefine the term health clinic; and to repeal the original section.

LEGISLATIVE BILL 872. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to sheriffs; to amend sections 23-1708 and 23-1709, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision which allows a sheriff to execute process after expiration of his or her term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 873. Introduced by Peterson, 21st District.

A BILL FOR AN ACT relating to mental health services; to amend sections 71-5001 to 71-5004 and 71-5008, Reissue Revised Statutes of Nebraska, 1943; to define a term; to create, to provide for membership on, and to provide powers and duties for the State Oversight Mental Health Committee; to eliminate the State Mental Health Advisory Committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to counties; to amend section 23-906, Reissue Revised Statutes of Nebraska, 1943; to change the date for submission of the county budget document; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 875. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to certificates of title; to amend section 60-106, Reissue Revised Statutes of Nebraska, 1943; to exempt cabin trailers from vehicle identification inspection requirements; and to repeal the original section.

LEGISLATIVE BILL 876. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to property taxes; to require the use of checks for the payment of rebates of real or personal property taxes.

LEGISLATIVE BILL 877. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to property taxes; to require the use of checks for the payment of rebates.

LEGISLATIVE BILL 878. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend sections 24-809 and 24-811.02, Reissue Revised Statutes of Nebraska, 1943; to require votes of commission members to be published; to include votes of commission members in the report available to the public as prescribed; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2018

1. Strike original sections 3 and 4 and insert the following new sections:

"Sec. 3. Allocations from the Waste Reduction and Recycling Incentive Fund may be made as grants to a political subdivision when it is found that the reduction or recycling program or project proposed by the political subdivision appears to benefit the general public, to further the goals of waste reduction and recycling, and to be consistent with proper waste management practices. A political subdivision may file an application with the Department of Environmental Control for a grant from the fund. Each application shall be filed in a manner and form prescribed by the department.

An application for a grant from the fund shall: (1) Describe the nature and purpose of the proposed program or project; (2) set forth or be accompanied by a plan for development of the proposed program or project, together with engineering, economic, and financial feasibility data and information, and such estimated costs of construction or implementation as may be required by the department; (3) state whether money other than that for which the application is made will be used to help in meeting program or project costs and whether such money is available or has been sought for this purpose; (4) when appropriate, state that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands; (5) show that the applicant possesses all necessary authority to undertake or participate in the proposed program or project; and (6) demonstrate the probable environmental and ecological consequences that may result from such proposed program or project. Upon receipt of an application the Director of Environmental Control shall evaluate and investigate all aspects of the proposed program or project and the proposed schedule for the development and completion of such program or project, determine the eligibility of the program or project for funding, and make appropriate recommendations to the Environmental Control Council.

As a part of his or her investigation, the director shall consider whether the plan for development of the program or project is satisfactory. If the director determines that the plan is unsatisfactory or that the application does not contain adequate information upon which to make determinations, the director shall return the application to the applicant and may make recommendations to the applicant which the director considers necessary to make the plan or the application satisfactory.

The director shall within a reasonable time, not to exceed six months, after receipt of such application report to the council the results of his or her evaluation and investigation and shall recommend approval or rejection of funding for the program or project. The director shall indicate what form of allocation he or she deems appropriate. The council shall act in accordance with the director's recommendations unless action to the contrary is approved by each council member eligible to vote on the specific recommendation under consideration. No council member shall be eligible to participate in the action of the council concerning an application for funding to any entity in which such council member has any interest.

It is the intent of the Legislature that allocations from the fund shall be made in an equitable manner which maximizes the benefits of the fund. When awarding grants, the council shall balance the needs of: (a) All geographic areas of the state; (b) all sizes and classes of communities; and (c) all manner and scale of programs and projects. The council shall also give consideration to eligible programs and projects which would specifically employ disabled or handicapped persons.

If after review of the recommendation by the director the council determines that an application for a grant is satisfactory and qualified to be approved, before the final approval of such application may be given and the funds allocated the council shall enter into an agreement in the name of the state with the applicant and any other entity it deems to be involved in the program or project to which funds shall be applied. All agreements entered into pursuant to this section shall include, but not be limited to, a specification of the amount of funds involved, the specific purpose for which the allocation is made, the terms of administration of the allocated funds, and any penalties to be imposed upon the applicant if it fails to apply the funds in accordance with the agreement.

Sec. 4. There is hereby imposed (1) a fee of one dollar on every new tire sold in this state and (2) a fee of one dollar imposed on every tire of every new motor vehicle sold in this state. The fee imposed by subdivision (1) of this section shall be collected from the purchaser by the retailer at the time of purchase and shall be remitted to the Department of Revenue. The fee imposed by subdivision (2) of this section shall be collected by the county treasurer at the time of registration of the motor vehicle and remitted to the department. Subject to section 7 of this act, the proceeds of the fees shall be remitted by the department to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund.

The department shall adopt and promulgate rules and regulations necessary for the efficient administration and collection of the fees imposed by this section.

Sec. 7. The Tax Commissioner shall deduct and withhold from the fees collected pursuant to sections 4 to 6 of this act a fee sufficient to reimburse himself or herself for the cost of collecting and administering such fees and shall credit such collection fee to the Waste Reduction and Recycling Incentive Fees Collection Fund which is hereby created. The Waste Reduction and Recycling Incentive Fees Fund shall be appropriated to the Department of Revenue. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. Renumber the remaining sections accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 39 in the Journal. No objections. So ordered.

AM1989

(Amendments to Standing Committee amendments, AM0390)

1. Insert the following new amendments:

"1. On page 7, line 10, after 'sale' insert '. An individual item or lot of any commodity not in package form but on which there is marked a selling price based on an established price per unit of weight or of measure shall be considered a commodity in package form'.

4. On page 19, line 23, strike 'Register and test annually', show as stricken, and insert 'Test annually and at the request of the responsible agency'.

5. On page 20, line 1, after '60-331' insert '. The responsible agency for such weights and measures or weighing and measuring devices shall pay the department for the actual cost of such tests. The department shall bill test fees to such agency upon completion of the test'.

9. On page 40, line 14, after the third comma insert 'test,'.

10. On page 43, line 22, strike '1989' and insert '1990'.".

2. On page 1, line 9, after the first comma insert "line 5, after 'use' insert 'in commerce'; in line 7 strike 'in commerce' and insert 'that in combination will not meet the absolute value of maintenance tolerance';".

3. Renumber remaining amendments accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM1975

(Amendments to Standing Committee amendments, AM0289)

1. On page 1, strike beginning with "line" in line 5 through the second semicolon in line 7 and insert "reinstate the stricken matter in lines 1 through 4;".

2. Insert the following new amendments:

"2. On page 7, line 13, strike 'Franseria', show as stricken, and insert 'Ambrosia'; in line 14 strike 'Franseria', show as stricken, and insert 'Ambrosia' and after the comma insert 'serrated tussock (Nassella trichotoma),'; in line 22 strike 'Agropyron', show as stricken, and insert 'Elytrigia'; in line 24 after '(19)' insert 'Origin shall mean a foreign country or designated portion thereof, a state, the District of Columbia, Puerto Rico, or a possession of the United

States, where the seed was grown;

(20)'.

3. On page 8, line 3, strike '(20)' and insert '(21)'; in line 8 strike '(21)' and insert '(22)'; in line 13 strike '(22)' and insert '(23)'; in line 16 strike '(23)' and insert '(24)'; and in line 24 strike '(24)' and insert '(25)'.

4. On page 9, line 3, strike '(25)' and insert '(26)'; in line 8 strike '(26)' and insert '(27)'; in line 11 strike '(27)' and insert '(28)'; in line 15 strike '(28)' and insert '(29)'; in line 19 strike '(29)' and insert '(30)'; and in line 25 strike '(30)' and insert '(31)'.

5. On page 10, line 13, strike '(31)' and insert '(32)'; and in line 17 strike '(32)' and insert '(33)'.

6. On page 19, line 5, strike 'state, or foreign country,' and show as stricken; and in line 17 strike 'Agropyron spp.', show as stricken, and insert 'wheatgrass'.

7. On page 21, line 24, strike 'Agropyron', show as stricken, and insert 'Elymus'.

8. On page 23, lines 21 and 22, strike 'state, or foreign country,'.

9. On page 29, line 6, after 'section' insert 'or subdivision (2)(i) of this section when appropriate'.

12. On page 46, line 1, strike '1990' and insert '1991'.".

3. Renumber remaining amendments accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 879. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to roads; to amend sections 39-1337 and 39-1365, Reissue Revised Statutes of Nebraska, 1943; to require repair of certain parts of the state highway system as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 880. Introduced by Chizek, 31st District; Hall, 7th District; Ashford, 6th District; Lindsay, 9th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to courts; to amend section 5-105, Reissue Revised Statutes of Nebraska, 1943; to increase the number of judges of the district court; and to repeal the original section.

LEGISLATIVE BILL 881. Introduced by Schellpeper, 18th District; Coordsen, 32nd District; Moore, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1989; to exempt purchases made by county agricultural societies from sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to parental liability; to amend section 43-801, Reissue Revised Statutes of Nebraska, 1943; to limit parental liability for destruction of property caused by a child as prescribed; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to landlords and tenants; to amend section 76-1434, Reissue Revised Statutes of Nebraska, 1943; to permit landlords to dispose of personal property abandoned by tenants as prescribed; and to repeal the original section.

LEGISLATIVE BILL 884. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-610, 39-611, and 39-612, Reissue Revised Statutes of Nebraska, 1943; to require the synchronization of traffic-control signal lights as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 885. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to fees and salaries; to amend section 33-138, Reissue Revised Statutes of Nebraska, 1943; to authorize reimbursement for jurors for child care services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 886. Introduced by Wesely, 26th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to children; to state intent; to provide the Attorney General with the sole responsibility of prosecuting crimes against children; to provide for the creation of the child protection division; and to provide powers and duties for the Attorney General.

LEGISLATIVE BILL 887. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Revised Statutes Supplement, 1989; to redefine the term farm truck; and to repeal the original section.

LEGISLATIVE BILL 888. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to rabies; to amend section 71-4402, Revised Statutes Supplement, 1988; to provide that only licensed veterinarians may purchase rabies vaccine; and to repeal the original section.

LEGISLATIVE BILL 889. Introduced by Dierks, 40th District; Lindsay, 9th District; McFarland, 28th District; Crosby, 29th District; Labedz, 5th District.

A BILL FOR AN ACT relating to abortion; to prohibit public funds to be used for certain abortions as prescribed; to prohibit certain acts by public employees relating to abortions; to define terms; and to provide for legal suits.

LEGISLATIVE BILL 890. Introduced by Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to counties; to amend section 23-379, Reissue Revised Statutes of Nebraska, 1943; to authorize counties to provide waste disposal facilities for inhabitants of other counties; and to repeal the original section.

LEGISLATIVE BILL 891. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.11, Revised Statutes Supplement, 1989; to change provisions relating to personalized prestige license plates; and to repeal the original section.

LEGISLATIVE BILL 892. Introduced by L. Johnson, 15th District; Baack, 47th District; Dierks, 40th District; Weihing, 48th District.

A BILL FOR AN ACT relating to refuges for game and fish; to amend section 37-420, Reissue Revised Statutes of Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1989; to prohibit the operation of motorized vessels on game refuges during certain months as prescribed; to provide an exception; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 893. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to counties; to amend section 23-1112, Reissue Revised Statutes of Nebraska, 1943; to change the mileage rate allowed county officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 894. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Revised Statutes Supplement, 1988; to limit the receipt of incentives, refunds, or tax credits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 895. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to schools; to adopt the Nebraska Innovative Educational Grant Act.

LEGISLATIVE BILL 896. Introduced by Withem, 14th District; Hartnett, 45th District; Rogers, 41st District; Lynch, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Revised Statutes Supplement, 1988; to provide for the Tax Commissioner to enter into an agreement with the United States Office of Personnel Management to withhold income tax on certain federal annuity payments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 897. Introduced by Scofield, 49th District; Wehrbein, 2nd District; L. Johnson, 15th District; Barrett, 39th District; Baack, 47th District; Langford, 36th District.

A BILL FOR AN ACT relating to revenue and taxation; to create a fund; to provide reimbursement to the taxing subdivisions of the state for losses resulting from certain refunds of property tax to pipeline companies as prescribed; and to provide a termination date.

LEGISLATIVE BILL 898. Introduced by Scofield, 49th District; Weihing, 48th District; Ashford, 6th District; Baack, 47th District.

A BILL FOR AN ACT relating to the University of Nebraska; to require the Board of Regents to develop plans for the Trailside Complex as prescribed; to state intent; and to appropriate money as prescribed.

LEGISLATIVE BILL 899. Introduced by Scofield, 49th District; Weihing, 48th District; Baack, 47th District.

A BILL FOR AN ACT relating to the University of Nebraska; to appropriate funds for a potato specialist position.

LEGISLATIVE BILL 900. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to public assistance; to provide a personal needs allowance for aged, blind, and disabled persons; and to provide an operative date.

LEGISLATIVE BILL 901. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend sections 48-1202 and 48-1209, Reissue Revised Statutes of Nebraska, 1943, and section 48-1203, Revised Statutes Supplement, 1989; to change the minimum wage rates as prescribed; to provide for a training wage rate; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 902. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to the Commission for the Hearing Impaired; to amend section 71-4732, Reissue Revised Statutes of Nebraska, 1943, and section 71-4728, Revised Statutes Supplement, 1988; to add a duty for the commission; to provide for a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 903. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1528, Revised Statutes Supplement, 1988; to change provisions relating to treatment of benefits when a member dies before retirement; and to repeal the original section.

LEGISLATIVE BILL 904. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1298, Reissue Revised Statutes of Nebraska, 1943; to require student teachers or interns to have professional liability insurance coverage; and to repeal the original section.

LEGISLATIVE BILL 905. Introduced by L. Johnson, 15th District; Haberman, 44th District; R. Johnson, 34th District; Morrissey, 1st District; Scofield, 49th District; Coordsen, 32nd District; Withem, 14th District; Smith, 33rd District; Warner, 25th District; Labedz, 5th District; Moore, 24th District; Conway, 17th District; Elmer, 38th District; Byars, 30th District; Kristensen, 37th District; Lynch, 13th District; Wehrbein, 2nd District; Barrett, 39th District; Schellpeper, 18th District; Korshoj, 16th District.

A BILL FOR AN ACT relating to revenue and taxation; to establish a fund; to provide reimbursement for refunds of certain personal property taxes as prescribed; to provide duties for county treasurers and the State Treasurer; and to declare an emergency.

LEGISLATIVE BILL 906. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to soil and water conservation; to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943; to change the percentage of funds reserved for landowner grants as prescribed; and to repeal the original section.

LEGISLATIVE BILL 907. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District;

Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

A BILL FOR AN ACT relating to public power; to amend sections 70-504 and 70-628.01, Reissue Revised Statutes of Nebraska, 1943; to remove restrictions on sales, leases, combinations, mergers, and consolidations by districts; to require a vote of the board of directors for such actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 908. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to cities of the first class; to provide powers as prescribed.

LEGISLATIVE BILL 909. Introduced by Hall, 7th District; Withem, 14th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to personal property tax; to amend section 77-202, Revised Statutes Supplement, 1988, as amended by section 2, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989; to define business inventory as prescribed; and to repeal the original section.

LEGISLATIVE BILL 910. Introduced by Beyer, 3rd District; Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-102, 60-104, 60-106, 60-305.03, 60-311, and 60-2303, Reissue Revised Statutes of Nebraska, 1943, and section 60-305.09, Revised Statutes Supplement, 1989; to change provisions relating to certificates of title for certain apportionable vehicles as prescribed; to change provisions relating to odometer statements as prescribed; to provide for issuance of permanent license plates for certain apportionable vehicles as prescribed; to provide for collection and disbursement of fees; to provide powers and duties; to provide operative dates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 911. Introduced by Weihing, 48th District; Scofield, 49th District; Baack, 47th District.

A BILL FOR AN ACT relating to postsecondary education; to create the Lifelong Learning Center; to state intent; to provide faculty for the center; and to provide funding.

LEGISLATIVE BILL 912. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to cities; to amend sections 19-3303, 19-3327, and 19-4018, Reissue Revised Statutes of Nebraska, 1943; to amend the Offstreet Parking District Act and the Business Improvement District Act; to add powers and duties; to provide authority to levy and collect a tax; to provide authority to use surplus funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 913. Introduced by Weihing, 48th District; Hefner, 19th District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943; to provide for a rebuttable presumption in truancy matters; and to repeal the original section.

LEGISLATIVE BILL 914. Introduced by Weihing, 48th District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-4,118, 60-4,123, 60-4,124, and 60-4,126, Revised Statutes Supplement, 1989; to require proof of school attendance or graduation prior to receiving an operator's license or a learner's, school, or farm permit as prescribed; to provide procedures; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Wesely, 26th District; Smith, 33rd District; Crosby, 29th District; Byars, 30th District.

A BILL FOR AN ACT relating to public assistance; to amend section 12-1106, Reissue Revised Statutes of Nebraska, 1943, and section 68-129, Revised Statutes Supplement, 1988; to increase the amount permitted to be set aside for burial expenses; and to repeal the original sections.

LEGISLATIVE BILL 916. Introduced by Wesely, 26th District; Lynch, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Medical Leave Act.

LEGISLATIVE BILL 917. Introduced by Wesely, 26th District; Lynch, 13th District.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend section 68-1517, Reissue Revised Statutes of Nebraska, 1943; to eliminate an expenditure limitation; and to repeal the original section.

LEGISLATIVE BILL 918. Introduced by Hannibal, 4th District; Abboud, 12th District; Chizek, 31st District; Lynch, 13th District; Hartnett, 45th District; Beyer, 3rd District; Pirsch, 10th District; Goodrich, 20th District; Nelson, 35th District; Ashford, 6th District; Hall, 7th District.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend sections 35-502 and 35-508, Reissue Revised Statutes of Nebraska, 1943; to change numbering of certain subdivisions; to permit rural and suburban fire protection districts to compensate employees; to provide for rescue policies and programs; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 919. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to property tax exemptions; to amend section 77-202.03, Revised Statutes Supplement, 1989; to eliminate an affidavit requirement for real property used for cemetery purposes; to authorize renewal of the exemption for such property without reapplication; and to repeal the original section.

LEGISLATIVE BILL 920. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to public safety; to create the Public Safety Cash Fund; to provide for the funding, distribution, and investment of the fund; and to require the State Treasurer to transfer certain funds as prescribed.

LEGISLATIVE BILL 921. Introduced by Warner, 25th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend sections 24-802, 24-803, 24-806, 24-807, 24-809, and

24-810.01, Reissue Revised Statutes of Nebraska, 1943, and section 24-810, Revised Statutes Supplement, 1988; to change a residency requirement for commission members as prescribed; to change a provision relating to the nomination and election of certain commission members as prescribed; to provide for the election of alternate members of commissions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Elmer, 38th District; Morrissey, 1st District; Haberman, 44th District; Baack, 47th District.

A BILL FOR AN ACT relating to oil and gas conservation; to provide a civil penalty as prescribed; and to provide a duty for the Revisor of Statutes.

RESOLUTIONS

LEGISLATIVE RESOLUTION 229CA. Introduced by Hefner, 19th District; Warner, 25th District; Coordsen, 32nd District.

A Resolution to propose an amendment to the Constitution of Nebraska by adding a new section 19 to Article XV.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 19 to Article XV, which is hereby proposed by the Legislature:

CXV-19 "No money derived from sales or use taxes imposed by the state on motor vehicles, trailers, or semitrailers or from fees, excises, or license fees imposed by the state relating to the registration, ownership, operation, or use of vehicles on the public highways, roads, or streets or to fuels used for the propulsion of such vehicles shall be expended for other than the cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, the payment of highway obligations, including highway construction bonds authorized by Article XIII, section 1, and the cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, public transportation services, off-street public parking owned by a municipality, and bridges. This section shall not apply to money derived from motor vehicle operators' license fees."

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to provide that the net proceeds from highway use taxes, including motor vehicle license fees, motor vehicle fuels taxes, and motor vehicle sales or use taxes imposed by the state shall be used only for the purpose of construction, reconstruction, repair, and maintenance of highways, streets, roads, and bridges and the payment of highway obligations, including highway construction bonds authorized by Article XIII, section 1.
>
> For
>
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 230. Introduced by Withem, 14th District.

WHEREAS, the national headquarters of the United States Badminton Association is in Papillion, Nebraska; and

WHEREAS, badminton has been recognized as an official Olympic sport; and

WHEREAS, badminton will debut in the 1992 Olympic Games; and

WHEREAS, participation in the sport of badminton continues to grow among all age groups; and

WHEREAS, badminton is one of the fastest racquet sports and the second most popular sport in the world; and

WHEREAS, the ability to maintain the national office headquarters in Nebraska would be of a great economic benefit to the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges corporations and citizens in Nebraska to support the United States Badminton Association in order to keep the national headquarters in Nebraska.

2. That a copy of this resolution be presented to the United States Badminton Association and its board of directors.

Laid over.

LEGISLATIVE RESOLUTION 231. Introduced by R. Johnson, 34th District.

WHEREAS, styrofoam containers require over three hundred years to decompose in a landfill while paper containers require fifty to one hundred years to decompose; and

WHEREAS, decomposition requires water and oxygen but regulations protecting the environment restrict all but a minimum of water and oxygen from penetrating landfills to protect ground water from contamination; and

WHEREAS, styrofoam and other plastics are very light and comprise about seven percent of all garbage by weight, but they occupy over twenty percent of landfill space; and

WHEREAS, Wesleyan University and the University of Kansas are studying alternatives to the use of styrofoam on those campuses, and the University of Nebraska-Lincoln has discontinued the use of styrofoam in the Union for cold drinks and is continuing to look for alternatives to styrofoam.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature follow the lead of the young people who are urging an environmentally responsible change in usage of products.

2. That the Legislature ban the use of styrofoam containers by Senators and staff of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 232. Introduced by Schmit, 23rd District; Warner, 25th District; Labedz, 5th District; Baack, 47th District; Lynch, 13th District.

WHEREAS, pursuant to section 50-404 the Legislature in Legislative Resolution 5, Ninety-first Legislature, First Session, established a special committee on January 11, 1989, to investigate matters related to the Franklin Community Federal Credit Union; and

WHEREAS, while the committee has made substantial progress in carrying out its charge, significant issues of a serious nature remain to be investigated; and

WHEREAS, the committee has uncovered evidence which would tend to substantiate that child abuse, homosexual activity, and drug abuse were associated with the credit union, its principals, and others; and

WHEREAS, the work of the committee since 1989 has opened up a new issue which must be dealt with by the committee and this Legislature if confidence in government in this state is to be maintained, that new issue specifically being the integrity and accountability of certain institutions of government; and

WHEREAS, the importance of prosecution for individual and specific crimes is very important but may be secondary to the above-described need to thoroughly examine and determine if indeed various institutions of government have been or are currently compromised in their ability to respond to the needs of the citizens and fulfill their constitutional mandates; and

WHEREAS, the information developed by the committee since July 1989 forces upon the committee a reluctant but unavoidable duty to follow the evidence and leads developed and fully examine all information flowing into the committee and this work will require expertise above and beyond both the financial and personnel resources of the committee as they now exist; and

WHEREAS, failure to now proceed aggressively and efficiently to thoroughly examine the conduct and performance of both specific individuals as well as various institutions of government would in itself constitute dereliction of duty and failure to perform our duty since the Legislature is the ultimate repository of public accountability and the ultimate institution of state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the current special committee with its present membership is authorized to continue its work with the powers and duties specified in Legislative Resolution 5, Ninety-first Legislature, First Session.

2. That an additional two hundred thousand dollars be allocated to the special committee from Legislative Council appropriations to be used to cover necessary committee expenses.

Laid over.

LEGISLATIVE RESOLUTION 233CA. Introduced by Coordsen, 32nd District; Korshoj, 16th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, section 10.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article III, section 10, which is hereby proposed by the Legislature:

"CIII-10 Beginning with the year ~~1975~~ 1992, organizational sessions of the Legislature shall be held biennially, commencing at 10 a.m. on the first day of December, except Saturday or Sunday, of each even-numbered year, and regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. Each organizational session shall not exceed five legislative days unless extended by a vote of four-fifths of all members elected to the Legislature. After the organizational session, the Legislature shall adjourn until the commencement of the regular session. The Legislature shall not enact any laws during the organizational session but may introduce bills, determine and amend the rules of its proceedings, and conduct such other organizational matters as it deems necessary to insure the smooth and expeditious proceedings of the regular session. The duration of regular sessions ~~held~~ shall not exceed ~~ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed~~ sixty legislative days ~~in even-numbered years~~ unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session~~,~~ as if there had been no such adjournment. The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members~~,~~ and shall choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acting as

Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time~~,~~ unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to authorize the Legislature to conduct organizational sessions biennially and to provide that regular sessions of the Legislature shall not exceed sixty legislative days each year.
>
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

AM2025

1. Insert the following new section:

"Sec. 2. This act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1990, under the Internal Revenue Code of 1986, as amended.".

2. Renumber the remaining section accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 707 in the Journal. No objections. So ordered.

AM2026

(Amendments to Standing Committee amendments, AM1139)

1. On page 2, line 3, after "2" insert "and insert the following new section:

'Sec. 2. This act shall become operative on October 1, 1990.' ".

2. Strike amendment 9.

PROPOSED RULE CHANGE

Mr. Wesely offered the following proposed rule change:
Amend Rule 7, Section 1. Meeting Time, Restrictions.

Add the following new language:

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

The Legislature, on the 89th legislative day in odd-numbered years or on the 59th legislative day in even-numbered years, shall adjourn for a period of not less than five calendar days (Sunday excepted). Upon reconvening, the Legislature shall first consider any or all vetoed bills or any line-item vetoes made by the Governor during this five day recess before it proceeds to consider other business. This five day limitation may be suspended only by a three-fifths vote on the elected members, and any motion to adjourn to a date sooner than this five day limitation shall be out of order.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Kristensen asked unanimous consent to have his name added as co-introducer to LR 8CA. No objections. So ordered.

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 520. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 923. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District; and Robak, 22nd District; Hannibal, 4th District; Nelson, 35th District; Chizek, 31st District.

A BILL FOR AN ACT relating to asbestos; to amend sections 71-6301 and 71-6302, Revised Statutes Supplement, 1988; to redefine terms; to exempt certain business entities from obtaining a license to engage in an asbestos project; and to repeal the original sections.

LEGISLATIVE BILL 924. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to bonds; to amend sections 10-114, 10-123, 10-128, 10-201, 10-202, and 10-711, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement for registration of certain bonds with the county clerk; to harmonize provisions; and to repeal the original sections, and also sections 10-203 to 10-208, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 925. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,135.01 and 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,133 and 71-1,135.02, Revised Statutes Supplement, 1988; to authorize the use of oral pharmaceutical agents as prescribed; to provide certification requirements; and to repeal the original sections.

LEGISLATIVE BILL 926. Introduced by Lamb, 43rd District; Scofield, 49th District; Dierks, 40th District; Baack, 47th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to railroads; to amend section 75-401, Reissue Revised Statutes of Nebraska, 1943; to require fire safety equipment as prescribed; to provide duties for the State Fire Marshal; to provide a penalty; to provide the evidentiary effect of certain proof; to provide liability; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 927. Introduced by Abboud, 12th District; Beck, 8th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-416, 28-438, and 29-2262, Reissue Revised Statutes of Nebraska, 1943; to enhance the penalties for violation of drug laws by certain persons as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 928. Introduced by Abboud, 12th District; Beck, 8th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Street Terrorism Enforcement and Prevention Act; to harmonize provisions; to provide a termination date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 929. Introduced by Abboud, 12th District; Beck, 8th District; Crosby, 29th District; Peterson, 21st District.

A BILL FOR AN ACT relating to property taxation; to amend sections 77-3513 and 77-3514, Revised Statutes Supplement, 1988, and sections 77-3509.04, 77-3512, 77-4203, 77-4205, and 77-4207, Revised Statutes Supplement, 1989; to provide a homestead exemption for tax year 1990; to change provisions relating to filing for homestead exemptions; to provide a reduction of property tax valuations for tax year 1990; to provide for funding the Property Tax Relief Act; to extend the term of the act; to harmonize provisions; to provide for inseverability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 930. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Bernard-Stevens, 42nd District; Conway, 17th District; Coordsen, 32nd District; Korshoj, 16th District; Withem, 14th District.

A BILL FOR AN ACT relating to the National Guard; to amend sections 55-146 and 55-157, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to ordering certain personnel to active service; to change provisions relating to compensation of personnel ordered to active service as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 931. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Bernard-Stevens, 42nd District; Conway, 17th District; Coordsen, 32nd District; Korshoj, 16th District; Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-503.01 and 32-1037, Reissue Revised Statutes of Nebraska, 1943; to prohibit a person serving in an elective office from serving in more than one such office as prescribed; to define a term; to eliminate a provision providing when a vacancy in office occurs; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Scofield, 49th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate a provision which provides for the recapture of certain reimbursements made for lawsuits challenging the taxation of railroad and car company personal property; and to repeal section 77-678, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 933. Introduced by Ashford, 6th District; Abboud, 12th District; Baack, 47th District; Beck, 8th District; Bernard-Stevens, 42nd District; Beyer, 3rd District; Byars, 30th District; Chizek, 31st District; Conway, 17th District; Crosby, 29th District; Dierks, 40th District; Goodrich, 20th District; Hall, 7th District; Hannibal, 4th District; Hartnett, 45th District; L. Johnson, 15th District; R. Johnson, 34th District; Korshoj, 16th District; Kristensen, 37th District; Lamb, 43rd District; Landis, 46th District; Langford, 36th District; Lindsay, 9th District; Lynch, 13th District; McFarland, 28th District; Moore, 24th District; Morrissey, 1st District; Nelson, 35th District; Pirsch, 10th District; Robak, 22nd District; Schellpeper, 18th District; Schimek, 27th District; Scofield, 49th District; Smith, 33rd District; Weihing, 48th District; Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to authorize the acquisition of Joslyn Castle; and to provide powers and duties.

LEGISLATIVE BILL 934. Introduced by Beck, 8th District; Hartnett, 45th District; Abboud, 12th District.

A BILL FOR AN ACT relating to bicycles; to amend sections 39-690 and 39-691, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the operation of bicycles on roadways; to change equipment requirements; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to school district bonds; to amend section 10-702, Reissue Revised Statutes of Nebraska, 1943; to change a time limit for resubmission of bond issue questions; and to repeal the original section.

LEGISLATIVE BILL 936. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to liquor; to amend section 53-184, Reissue Revised Statutes of Nebraska, 1943; to change a prohibition on filling or refilling original packages of alcoholic liquor; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-106 and 60-302, Reissue Revised Statutes of Nebraska, 1943; to provide for issuance of nontransferable certificates of title for stolen vehicles as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 938. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to investment advisers; to amend section 8-1102, Reissue Revised Statutes of Nebraska, 1943; to authorize the Director of Banking and Finance to exempt investment advisers from certain contract requirements; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 234. Introduced by Hannibal, 4th District.

WHEREAS, the Nebraska Legislature convenes in regular session on the first Wednesday after the first Monday in January of each year; and

WHEREAS, the Legislature convenes at the direction of the citizens of the state as prescribed in Article III, section 10, of the Constitution of Nebraska; and

WHEREAS, the directions to the Legislature are set forth by the citizens through the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That in recognition of the authority and special position of the citizens, the first day of every regular session of the Legislature be identified as Nebraska Citizens Day.
2. That the Governor issue a proclamation identifying Nebraska Citizens Day as the first day of every legislative session to be publicized across the state in a manner so that the citizens shall be remembered and honored for their position in the state.

Laid over.

ADJOURNMENT

At 11:42 a.m., on a motion by Mr. Morrissey, the Legislature adjourned until 9:00 a.m., Thursday, January 4, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 4, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 4, 1990

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Robert Nowak, Faith Evangelical Lutheran, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Conway, Goodrich, Hall, Landis, Lindsay, Warner, Mrs. Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 818 through 880 and Governor appointments.

LB	Committee
818	General File
819	General File
820	General File
821	General File
822	General File

823	General File
824	General File
825	General File
826	General File
827	General File
828	General File
829	General File
830	Government, Military & Veterans Affairs
831	Revenue
832	Revenue
833	Nebraska Retirement Systems
834	Nebraska Retirement Systems
835	Judiciary
836	Transportation
837	Government, Military & Veterans Affairs
838	Judiciary
839	Judiciary
840	Education
841	Revenue
842	Natural Resources
843	Education
844	Revenue
845	Education
846	Judiciary
847	Transportation
848	Natural Resources
849	Agriculture
850	Revenue
851	Urban Affairs
852	Government, Military & Veterans Affairs
853	Urban Affairs
854	Judiciary
855	Agriculture
856	Agriculture
857	Government, Military & Veterans Affairs
858	Transportation
859	Transportation
860	Transportation
861	Revenue
862	General Affairs
863	General Affairs
864	General Affairs
865	Business & Labor
866	Revenue

867	Urban Affairs
868	Government, Military & Veterans Affairs
869	Health & Human Services
870	Health & Human Services
871	Health & Human Services
872	Government, Military & Veterans Affairs
873	Health & Human Services
874	Government, Military & Veterans Affairs
875	Transportation
876	Revenue
877	Revenue
878	Judiciary
879	Transportation
880	Judiciary

Health and Human Services
Margaret A. Allington, Board of Health
Bruce L. Gilmore, Board of Health
Carl I. Maltas, Board of Health
Patricia A. McQuillan, Board of Health
Kathryn Weil Simon, Board of Health
David L. Timperley, Board of Health
Alice Bartels, Foster Care Review Board
Betty Matz, Foster Care Review Board
Stuart P. Embury, Rural Health Manpower
Ron Ross, Rural Health Manpower
Connie L. Russel, Rural Health Manpower
Marilyn Wartig, Rural Health Manpower

Natural Resources
James Eatmon, Oil and Gas Conservation Commission
John Mason, Oil and Gas Conservation Commission

Business and Labor
Alan Simon, Job Training Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 4, 1990.

The motion prevailed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 230. Read. Considered.

LR 230 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 232. Read. Considered.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

LR 232 was adopted with 37 ayes, 3 nays, and 9 not voting.

ANNOUNCEMENT

The Chair announced today is Senator Kristensen's birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 234. Read. Considered.

LR 234 was adopted with 15 ayes, 4 nays, and 30 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 939. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to county government; to amend sections 2-201, 2-229, 2-1604, 3-605, 23-343.11, 23-343.19, and 51-501, Reissue Revised Statutes of Nebraska, 1943, and section 2-203.06, Revised Statutes Supplement, 1988; to change provisions relating to the levy of property taxes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to raptors; to amend sections 37-720, 37-724, and 37-725, Reissue Revised Statutes of Nebraska, 1943; to change the expiration of falconry licenses and captive propagation licenses; to change reporting requirements as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to public target ranges; to authorize the use of federal funds; and to prescribe duties for the Game and Parks Commission.

LEGISLATIVE BILL 942. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to courts; to amend sections 2-4613, 7-111, 8-196, 12-528, 13-512, 15-1205, 17-414, 18-2432, 19-705, 19-2204, 19-4607, 19-4619, 19-4620, 24-101, 24-106, 24-203, 24-204, 24-209, 24-701, 24-703, 24-714, 24-729, 24-739, 25-1002, 25-1010, 25-1081, 25-1090, 25-1140, 25-1148, 25-1315.03, 25-1542, 25-1911, 25-1912, 25-1913, 25-1914, 25-1915, 25-1916, 25-1919, 25-1920, 25-1923, 25-1924, 25-1925, 25-1926, 25-1930, 25-1935, 25-1936, 25-1937, 25-21,213, 25-2728, 27-1101, 29-116, 29-812, 29-824, 29-901, 29-1804.03, 29-1804.07, 29-2301, 29-2302, 29-2305, 29-2306, 29-2308, 29-2315.01, 29-2316, 29-2320, 29-2321, 29-2322, 29-2323, 29-2324, 29-3002, 31-433, 32-421.01, 32-4,101, 32-1039, 33-103, 33-145, 39-1719, 42-351, 42-358, 46-210, 46-229.05, 46-238, 46-554, 46-646, 48-125, 48-182, 48-185, 48-640, 48-808, 48-812, 49-506, 49-617, 55-445, 59-823, 65-101, 70-604.06, 70-1016, 70-1325, 70-1326, 70-1327, 70-1328, 75-121, 75-134, 75-137, 75-138, 75-139, 75-143, 76-719, 77-615, 77-1609, 77-1610, 79-4,205, 79-1068, 79-3354, 81-1379, 81-1383, 81-1385, 81-1387, 83-471, 83-4,133, 83-1043, 84-205, and 86-811, Reissue Revised Statutes of Nebraska, 1943, sections 8-1736, 77-509, 77-510, 81-8,216, and 83-1133, Revised Statutes Supplement, 1988, and sections 43-287.06, 43-2,106, 43-2,126, 60-4,105, 75-136, 75-136.01, 77-1510, 77-1736.04, and 84-918, Revised Statutes Supplement, 1989; to create the Court of Appeals; to provide judges for the court; to provide powers and duties for such judges, the court, and the Supreme Court; to change appeal procedures as prescribed; to eliminate a restriction on writs of certiorari; to provide for distribution of certain publications; to harmonize provisions; to provide an operative date; to eliminate provisions dealing with certain county judges and the Appellate Division of the District Court; and to repeal the original sections, and also sections 24-351 to 24-354, 24-821, and 24-822, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 943. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-402, Reissue Revised Statutes of Nebraska, 1943; to provide for the creation of a zoning category for low-income housing; to set aside a percentage of the area in new subdivisions for low-income housing as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 944. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1531, Reissue Revised Statutes of Nebraska, 1943; to add a duty for housing authorities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 945. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to the Nebraska Housing Authority Law; to amend section 71-1538, Reissue Revised Statutes of Nebraska, 1943; to place restrictions on the location of low-income housing as prescribed; and to repeal the original section.

LEGISLATIVE BILL 946. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to plumbing; to amend section 71-1569, Revised Statutes Supplement, 1988; to change a provision relating to required scald prevention devices; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 947. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-329, 9-329.01, and 9-329.03, Revised Statutes Supplement, 1988, and sections 9-340.02 and 9-347.01, Revised Statutes Supplement, 1989; to remove certain restrictions on sales agents as prescribed; to remove a restriction on pickle card operator licensees as prescribed; to change a provision for payment for pickle card units as prescribed; to change a provision relating to allowable expenses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 948. Introduced by Coordsen, 32nd District; Haberman, 44th District.

A BILL FOR AN ACT relating to social work; to amend sections 71-1,258 and 71-1,260, Revised Statutes Supplement, 1988; to change provisions relating to the qualifications and certification of social workers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 949. Introduced by Coordsen, 32nd District; Haberman, 44th District.

A BILL FOR AN ACT relating to social work; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943, sections 71-113 and 71-114, Revised Statutes Supplement, 1988, and sections 71-102, 71-107, 71-110, 71-112, 71-131, 71-162, 71-2017.01, and 71-2041.02, Revised Statutes Supplement, 1989; to eliminate the practice of social work from the Uniform Licensing Law; to harmonize provisions; and to repeal the original sections, and also sections 71-1,244 to 71-1,255, 71-1,257, 71-1,259, 71-1,261, and 71-1,264, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,256, 71-1,258, 71-1,260, 71-1,262, and 71-1,263, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 950. Introduced by Langford, 36th District.

A BILL FOR AN ACT relating to petroleum products; to amend sections 66-1515 and 81-15,119, Revised Statutes Supplement, 1989; to redefine the term tank; and to repeal the original sections.

LEGISLATIVE BILL 951. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to sentence and punishment; to amend section 47-502, Reissue Revised Statutes of Nebraska, 1943; to provide for the imposition of intermittent sentences as prescribed; to change a provision relating to reduction of sentences as prescribed; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1989; to require the Department of Revenue to provide an accounting of certain sales tax information; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 953. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 81-2017, 81-2025, 81-2026, and 81-2031, Revised Statutes Supplement, 1989; to change provisions relating to benefits and annuities as prescribed; to provide for retirement after twenty-five years of service regardless of age; to increase certain payments to survivors as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 954. Introduced by Abboud, 12th District.

A BILL FOR AN ACT relating to sudden infant death syndrome; to amend section 71-605.04, Reissue Revised Statutes of Nebraska, 1943; to change a provision providing for notification of a death; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to the State Contract Claims Act; to amend section 81-8,302, Revised Statutes Supplement, 1988; to require legislative review and a specific appropriation of certain disputed claims as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 956. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1989; to provide for the acquisition of eligible savings associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 957. Introduced by Coordsen, 32nd District; Abboud, 12th District.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-103, 16-104, 16-302.01, and 16-306, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the reorganization of second-class cities as first-class cities; to change provisions relating to the division of a city into election wards; to change provisions relating to the election and terms of council members following reorganization; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to child restraint systems; to amend section 39-6,103.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the required use of a child restraint system and seat safety belts; to provide a duty for the Department of Motor Vehicles; and to repeal the original section.

LEGISLATIVE BILL 959. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-1522.01 and 79-1529, Revised Statutes Supplement, 1988, and sections 79-1044.01 and 79-1520, Revised Statutes Supplement, 1989; to authorize retirement at any age after thirty years of service; to harmonize provisions; and repeal the original sections.

LEGISLATIVE BILL 960. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to education; to adopt the Nebraska School Restructuring Act; and to declare an emergency.

LEGISLATIVE BILL 961. Introduced by Conway, 17th District; Baack, 47th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1301, Revised Statutes Supplement, 1988; to authorize county boards of equalization to reduce the valuation of real property on which an improvement has been partially or totally destroyed; to provide for appeals, refunds of taxes paid, and budgeting of lost revenue; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to foreign relations; to adopt the Protocol Act.

LEGISLATIVE BILL 963. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to authorize additional contracts for nonteaching services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 964. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Korshoj, 16th District; Labedz, 5th District; Pirsch, 10th District; Smith, 33rd District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1722, Reissue Revised Statutes of Nebraska, 1943; to provide for the collection of costs of work on certain buildings or structures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by Conway, 17th District; Robak, 22nd District; Lamb, 43rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1989; to eliminate an obsolete date; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 966. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to cities; to amend section 16-404, Revised Statutes Supplement, 1989; to change a provision relating to passage of ordinances in a city having a commission form of government; and to repeal the original section.

LEGISLATIVE BILL 967. Introduced by Schimek, 27th District; Hefner, 19th District; Hartnett, 45th District; Smith, 33rd District; McFarland, 28th District.

A BILL FOR AN ACT relating to charitable solicitation; to enact the Charitable Solicitation Registration Act; to eliminate registration requirements for solicitation outside a home county; and to repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 968. Introduced by Morrissey, 1st District.

A BILL FOR AN ACT relating to cities and villages; to amend section 17-563, Reissue Revised Statutes of Nebraska, 1943, and section 16-230, Revised Statutes Supplement, 1988; to change provisions relating to the removal of weeds and litter in cities of the first and second class and villages; to define terms; to harmonize provisions; and to repeal the original sections, and also section 17-563.01, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 833	Thursday, January 11, 1990	12:00 noon
LB 834	Thursday, January 11, 1990	12:00 noon

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens offered the following amendment to LB 769 in the Journal. No objections. So ordered.

AM1995

1. Insert the following new sections:

"Sec. 9. That section 71-148, Revised Statutes Supplement, 1988, be amended to read as follows:

71-148. For the purpose of section 71-147, unprofessional conduct shall include any of the following acts: (1) Solicitation of professional patronage by agents or persons, popularly known as cappers or steerers, or profiting by the acts of those representing themselves to be agents of the licensee or certificate holder; (2) receipt of fees on the assurance that a manifestly incurable disease can be permanently cured; (3) division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a patient; (4) obtaining any fee for professional services by fraud, deceit, or misrepresentation including, but not limited to, falsification of third-party claim documents; (5) cheating on or attempting to subvert the licensing or certification examination; (6) assisting in the care or treatment of a patient without the consent of such patient or his or her legal representative; (7) the use of any letters, words, or term or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that such person is entitled to practice a system or mode of healing for which he or she is not licensed or certified; (8) performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion; (9) willful betrayal of a professional secret except as otherwise provided by law; (10) making use of any advertising statements of a character tending to deceive or mislead the public; (11) advertising professional superiority or the performance of professional services in a superior manner; (12) advertising to guarantee any professional service or to perform any operations painlessly; (13) the performance by a physician of an abortion, as defined in subdivision (1) of section 28-326, under circumstances when he or she will not be available for a period of at least forty-eight hours for postoperative care unless such postoperative care is delegated to and accepted by another physician; and (14) ~~performing an abortion upon a minor without having satisfied the notice requirements of section 28-347; and (15)~~ the providing by a massage therapist of sexual stimulation as part of massage therapy.

Sec. 11. That original section 71-148, Revised Statutes Supplement, 1988, and also section 28-347, Reissue Revised Statutes, 1943, are repealed.".

2. Add underscoring as necessary.

3. Renumber sections accordingly.

MOTION - Adopt Permanent Rules

Mr. Lynch moved to adopt the permanent rules.

The Rules Committee offered the following amendment to the rules:
Amend Rule 9, Sec. 2 to read as follows:

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills ~~and resolutions~~ shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills, may be introduced at any time during the session.

Section 3. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Renumber the remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 7, Sec. 7(c) to read as follows:

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.

iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

Mr. Chambers requested a record vote on the amendment.

Voting in the affirmative, 31:

Abboud
Barrett
Bernard-Stevens
Byars
Chizek
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Labedz
Lamb
Lynch
Moore
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 3:

Beyer
Chambers
McFarland

Present and not voting, 15:

Ashford
Baack
Beck
Conway
Haberman
Johnson, R.
Kristensen
Landis
Langford
Lindsay
Morrissey
Nelson
Peterson
Schmit
Smith

The amendment was adopted with 31 ayes, 3 nays, and 15 present and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 4, Sec. 3(b) to read as follows:

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

The amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

The Rules Committee offered the following amendment to the rules:

Amend Rule 4, Sec. 3(c) to read as follows:

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

The amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 7, Sec. 3(e) to read as follows:

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

Mr. Bernard-Stevens offered the following amendment to the pending amendment:

After the word "proposition" in the new language, add the following:

"Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting.

Messrs. Ashford, McFarland, Morrissey, Haberman, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

The Bernard-Stevens amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Pending.

RECESS

At 12:04 p.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Baack, Chizek, Goodrich, Haberman, R. Johnson, Lamb, Landis, McFarland, Schellpeper, Schmit, Mmes. Labedz, and Pirsch who were excused until they arrive.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 969. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3252, Reissue Revised Statutes of Nebraska, 1943; to provide for adjoining districts to establish improvement project areas: and to repeal the original section.

LEGISLATIVE BILL 970. Introduced by Schimek, 27th District.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize the conveyance of certain property; to provide for the disposition of amounts paid as damages; and to declare an emergency.

LEGISLATIVE BILL 971. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Criminal Code; to amend section 28-101, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for the unlawful peeping or looking into a window, door, or other opening as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 972. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to create the Climate Assessment Response Committee; and to provide duties.

LEGISLATIVE BILL 973. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to establish a soil water monitoring and modeling program and an earth receiving station; to require reports; and to appropriate funds.

LEGISLATIVE BILL 974. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District: Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to unemployment compensation; to amend section 48-647, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions providing for withholding of spousal support from such compensation as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 975. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to unemployment compensation; to amend sections 48-602 and 48-648, Reissue Revised Statutes of Nebraska, 1943; to define employee leasing company and client; to require contributions and reports by such companies as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 976. Introduced by Pirsch, 10th District; Beck, 8th District; Langford, 36th District; Peterson, 21st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-416 and 29-2262, Reissue Revised Statutes of Nebraska, 1943; to enhance the penalties for violation of drug laws by certain persons as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 977. Introduced by Pirsch, 10th District; Langford, 36th District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend sections 28-416, 29-431, and 29-433, Reissue Revised Statutes of Nebraska, 1943; to change penalties for possessing marijuana; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 978. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to retirement communities and subdivisions; to amend sections 76-1301 and 76-1313, Reissue Revised Statutes of Nebraska, 1943; to change the representation of residents, purchasers, and lessees on the governing body; and to repeal the original sections.

LEGISLATIVE BILL 979. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-366, Revised Statutes Supplement, 1988, and sections 75-302, 75-307, 75-311, 75-358, and 75-363, Revised Statutes Supplement, 1989; to define and redefine terms; to require certain carriers to comply with rules and regulations relating to insurance and other security requirements as prescribed; to provide for and to change penalty provisions as prescribed; to adopt additional Federal Motor Carrier Safety Regulations; to provide for enforcement of motor carrier provisions and rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 75-364, Revised Statutes Supplement, 1988, and sections 60-462, 60-467, 60-480, 60-4,119, 60-4,122, 60-4,131, 60-4,133, 60-4,134, 60-4,138, 60-4,141, 60-4,142, 60-4,148, 60-4,149, 60-4,150, 60-4,156, 60-4,168, 75-363, 79-328, and 79-488.06, Revised Statutes Supplement, 1989; to redefine terms; to change and eliminate provisions relating to licenses, permits, and endorsements to operate a school bus; to change provisions relating to commercial driver's licenses and learner's permits; to provide a penalty; to change provisions relating to the Federal Motor Carrier Safety Regulations and the Federal Hazardous Material Regulations; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 60-4,136 and 60-4,147, Revised Statutes Supplement, 1989; and to declare an emergency.

LEGISLATIVE BILL 981. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District; Wesely, 26th District.

A BILL FOR AN ACT relating to insurance; to adopt the Managing General Agents Act; and to provide an operative date.

LEGISLATIVE BILL 982. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District; Wesely, 26th District.

A BILL FOR AN ACT relating to health maintenance organizations; to amend sections 44-3,132 and 68-1030, Reissue Revised Statutes of Nebraska, 1943, and sections 44-4103, 44-4210, 44-4220, 44-4726, 44-4802, and 71-2069, Revised Statutes Supplement, 1989; to adopt the Health Maintenance Organization Act; to repeal the Model Health Maintenance Organization Act; to harmonize provisions; and to repeal the original sections, and also sections 44-3201 to 44-3210, 44-3213 to 44-3230, 44-3232, 44-3234, 44-3235, 44-3237, 44-3238, 44-3240 to 44-3243, 44-3245, 44-3246, 44-3248 to 44-3254, 44-3258 to 44-3262, 44-3264 to 44-3269, 44-3271 to 44-3275, 44-3278 to 44-3284, and 44-3286 to 44-3291, Reissue Revised Statutes of Nebraska, 1943, and sections 44-3211, 44-3231, 44-3233, 44-3236, 44-3239, 44-3244, 44-3247, 44-3263, 44-3270, 44-3276, 44-3277, and 44-3285, Revised Statutes Supplement, 1989.

LEGISLATIVE BILL 983. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the Medicare Supplement Insurance Minimum Standards Act; to amend sections 44-3603 to 44-3606, Reissue Revised Statutes of Nebraska, 1943, and section 44-3602, Revised Statutes Supplement, 1989; to redefine a term; to change provisions relating to the applicability of the act; to change provisions relating to the contents of a medicare supplement policy, contract, or certificate; to change provisions relating to rules and regulations; to eliminate a provision relating to compensation; and to repeal the original sections.

LEGISLATIVE BILL 984. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District; Wesely, 26th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3903, 44-4010, 44-4802, 44-4803, 44-4806, 44-4809, 44-4810, 44-4812, and 44-4854, Revised Statutes Supplement, 1989; to change provisions relating to continuing education for certain licensees; to provide for an agent's license without examination for certain real estate brokers and salespersons; to define and redefine terms; to eliminate certain nonprofit service plans and beneficial societies from proceedings and to change provisions relating to penalties, director's orders. seizure orders, ancillary summary proceedings, and grounds for rehabilitation under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to harmonize provisions; and to repeal the original sections, and also section 44-419, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 985. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Schmit, 23rd District; Weihing, 48th District; Wesely, 26th District.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-133, 8-1108.01, 8-1109.02, 8-1507, 8-1509, and 8-1510, Reissue Revised Statutes of Nebraska, 1943, sections 8-141, 8-902.03, 8-1506, and 8-1508, Revised Statutes Supplement, 1988, and sections 8-1103 and 8-1111, Revised Statutes Supplement, 1989; to provide for securing deposits as prescribed; to provide an exception to loan limitations; to require bonds from trust companies; to change provisions relating to the application for a bank acquisition; to define a term; to change provisions relating to the acquisition or merger of failing institutions; to change provisions relating to hearings of and orders by the Director of Banking and Finance; to change provisions relating to transactions exempt from registration; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 986. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska, 1943; to provide for an optional deductible for medical benefits as prescribed; to provide for payment of and liability for the deductible amount; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 987. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the State Government Recycling Management Act; to amend sections 81-1140.01 to 81-1140.06 and 81-1602, Reissue Revised Statutes of Nebraska, 1943; to name the act; to define a term; to change the implementing agency; to provide for collection and disposition of state government refuse; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 988. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 87-302, 87-303.08, and 87-307, Revised Statutes Supplement, 1988; to define and redefine terms; to enumerate a deceptive trade practice; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 989. Introduced by Wesely, 26th District

A BILL FOR AN ACT relating to health care; to provide for a health care costs data center; and to require a report.

LEGISLATIVE BILL 990. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to public buildings; to amend section 72-801, Reissue Revised Statutes of Nebraska, 1943; to prohibit a consultant on a public building project from designing such project as prescribed; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by Morrissey, 1st District.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employee Right-to-Know Act.

LEGISLATIVE BILL 992. Introduced by Wesely, 26th District; Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.09, Revised Statutes Supplement, 1988; to limit the adjustment to income for capital gains as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 993. Introduced by Hefner, 19th District; Smith, 33rd District; Nelson, 35th District; R. Johnson, 34th District; L. Johnson, 15th District; Schimek, 27th District; Elmer, 38th District; Beck, 8th District; Schellpeper, 18th District; Dierks, 40th District; Pirsch, 10th District; Peterson, 21st District; Lindsay, 9th District.

A BILL FOR AN ACT relating to degradable products; to amend sections 69-2001 and 69-2012, Revised Statutes Supplement, 1989; to prohibit sales of food and beverages if packaged in certain containers as prescribed; to provide for rules and regulations; to provide for duties for the Director of Environmental Control; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 994. Introduced by Schellpeper, 18th District; Dierks, 40th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to health care; to state intent; to create the Office of Rural Health within the Department of Health and to provide powers and duties for such office; and to provide duties for the Commission on Rural Health Manpower.

LEGISLATIVE BILL 995. Introduced by Coordsen, 32nd District; Rogers, 41st District; Wehrbein, 2nd District; Weihing, 48th District; Morrissey, 1st District; Schellpeper, 18th District; Dierks, 40th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to renovate existing greenhouses on the University of Nebraska-Lincoln East Campus.

LEGISLATIVE BILL 996. Introduced by Conway, 17th District; Baack, 47th District; Kristensen, 37th District; Moore, 24th District.

A BILL FOR AN ACT relating to currency transactions; to state intent; to define terms; to require reporting of certain currency transactions; to provide for access to the reports; to provide for rules and regulations; and to provide penalties.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LR 231 in the Journal. No objections. So ordered.

FA306

Add a fifth "whereas"

"Whereas, University of Nebr Professor Milford Hanna is currently conducting research to develop degradable styrofoam products"

Amend resolve #2 by inserting after "Legislature" "until a degradable product is marketed"

Mr. Wesely asked unanimous consent to print the following amendment to LB 720A in the Journal. No objections. So ordered.

AM2057

1. Strike the original section and insert the following new section:

"Section 1. There is hereby appropriated (1) $581,584 from the General Fund and $145,396 from federal funds for FY1990-91 and (2) $1,160,286 from the General Fund and $290,072 from federal funds for FY1991-92, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 720, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $472,384 for FY1990-91 or $1,002,908 for FY1991-92.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 678A in the Journal. No objections. So ordered.

AM2054

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $144,324 from the General Fund for FY1990-91, and (2) $120,623 from the General Fund for FY1991-92, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $62,655 for FY1990-91, or $65.974 for FY1991-92.

Sec. 2. The State Treasurer is hereby directed to transfer $200,000 from the General Fund to the Early Childhood Program Training Fund on or before July 15, 1990.

Sec. 3. There is hereby appropriated $200,000 from the Early Childhood Program Training Fund for FY1990-91, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. All funds inuring to the Early Childhood Program Training Fund are hereby appropriated to the State Department of Education, for Program 508, for FY1991-92, to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, Second Session, 1990.

Sec. 5. There is hereby appropriated (1) $1.333.235 from the General Fund for FY1990-91, and (2) $1.466.559 from the General Fund for FY1991-92, to the Department of Social Services, for Program 347, to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, Second Session, 1990.

There is included in the appropriation made by this section $136,000 General Funds for FY1990-91 and $149,600 General Funds for FY1991-92 to hold harmless

Title XX clients who pay a portion of their child care costs.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 6. There is hereby appropriated (1) $51,190 from the General Fund for FY1990-91, and (2) $48,812 from the General Fund for FY1991-92, to the State Department of Education, for Program 508, to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $14,337 for FY1990-91 or $15,126 for FY1991-92.”.

Mr. Withem asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

AM2060

1. In the Standing Committee amendments, AM0800:

(a) On page 1, line 1, strike “section 18” and insert “sections 18, 28, and 31”; and in line 8 after the period insert “The proceeds of such levy, upon collection by the county, shall be distributed to the school districts in the affiliated school system in amounts which are in proportion to the amounts of budget operational expenses certified by such districts to the county superintendent and county assessor.”;

(b) Strike section 31 and insert the following new sections:

“Sec. 29. That section 79-4,105.01, Revised Statutes Supplement, 1989, be amended to read as follows:

79-4,105.01. There shall be created for each affiliated high school district and each school district which accepts at least ten nonresident high school students pursuant to sections 79-494 to 79-4,105 an advisory committee which shall be composed of three school board members selected ~~annually~~ by all the school board members of the Class I school districts with which ~~send~~ such Class II, III, IV, V, or VI school district is affiliated or which sends nonresident high school students to such Class II, III, IV, V, or VI school district. The county superintendent shall ~~annually~~ call a meeting of all the school board members of such Class I school districts, not a part of a Class VI school district, for the purpose of establishing such advisory committees. Representatives shall serve three-year terms, except that of the members initially selected or selected at the end of terms being served on August 25, 1989, one shall serve a one-year term and one shall serve a two-year term.

The advisory committee shall provide advice and communication to the school board of such affiliated high school district or accepting school districts regarding the ~~secondary~~ high school program, facilities, and budget and the needs and concerns of students, parents, and taxpayers in the Class I school district or districts. Each advisory committee shall meet at least biannually with the school board of the accepting school district and participate in good faith in those coordination requirements specified in section 79-4,158.01.

Sec. 30. That section 79-4,140.16, Revised Statutes Supplement, 1989, be amended to read as follows:

79-4,140.16. (1) To ensure both equality of opportunity and quality of programs offered, after July 1, 1989, all public schools in the state shall be required to meet quality and performance-based approval or accreditation standards as prescribed by the State Board of Education. The board ~~State Board of Education~~ shall establish a core curriculum standard, which shall include vocational education courses, for all public schools in the state. Accreditation and approval standards shall be designed to assure effective schooling and quality of instructional programs regardless of school size, wealth, or geographic location. The board ~~State Board of Education~~ shall recognize and encourage the maximum use of cooperative programs and may provide for approval or accreditation of programs on a cooperative basis, including the sharing of administrative and instructional staff, between school districts for the purpose of meeting the approval and accreditation requirements established pursuant to this section and section 79-328.

(2) The Commissioner of Education shall appoint an accreditation committee which shall be representative of the educational institutions and agencies of the state and shall include as a member the director of admissions of the University of Nebraska.

(3) The accreditation committee shall be responsible for: (a) Recommending appropriate standards and policies with respect to the accreditation and classification of schools; and (b) making recommendations annually to the commissioner relative to the accreditation and classification of individual schools. No school shall be considered for accreditation status which has not first fulfilled all requirements for an approved school.

(4) ~~It is the goal of the Legislature that by~~ By school year 1993-94 all public schools in the state should be accredited.

(5) It is the intent of the Legislature that all public school students shall have access to all educational services required of accredited schools. Such services may be provided through cooperative programs or alternative methods of delivery.

(6) The ~~State Board of Education~~ board shall by July 1, 1989, review the accreditation standards for public schools.

(7) The ~~State Board of Education~~ board shall on or before January 1, 1990, adopt and promulgate needed revisions in accreditation rules and regulations and report to the Legislature on the standards reviewed pursuant to subsection (6) of this section.

Sec. 33. The county superintendent and county treasurer in each county maintaining a county nonresident high school tuition fund created pursuant to section 79-437, which is repealed effective July 1, 1991, shall maintain an account to receive delinquent tax collections for the county nonresident tuition levy and to distribute the balance in such account periodically to Class I school districts subject to section 1 of this act which affiliate pursuant to section 4 of this act or become part of a Class VI school district and to any Class II, III, IV, or V school district with which a Class I district, subject to section 1 of this act, merges or forms a new Class II, III, IV, or V school district. The distribution shall be made to such school districts in payments as nearly as practicable in proportion to the actual valuation of taxable property of Class I school districts subject to section 1 of this act which become affiliated, part of a Class VI school district, or merged to such districts. This section shall be terminated and repealed effective July 1, 1995."; and

(c) Strike amendment 16 and insert the following amendment:

"16. On page 35, line 3, strike the first "and" and strike "79-4,105.01,"; and in line 4 after the last comma insert "and sections 79-4,105.01 and 79-4,140.16, Revised Statutes Supplement, 1989,".

2. On page 3, line 8, strike "for high school purposes".

3. On page 27, strike beginning with "When" in line 19 through "and" in line 21 and insert "If any Class I school district which is not part of a Class VI school district".

4. On page 28, strike beginning with "When" in line 8 through "and" in line 9 and insert "If any Class I school district which is not part of a Class VI school district and which has territory in more than one county"; in line 18 strike "1994" and insert "1991"; and in line 25 after "district" insert "specified in section 25 of this act".

5. On page 29, line 15, strike "September 1, 1994" and insert "July 1, 1991"; in line 19 after "districts" insert "specified in section 25 of this act".

6. On page 30, line 4, strike "July 1, 1994" and insert "September 1, 1991".

Mr. Withem asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

AM2058

1. Strike original section 28 and insert the following new sections:

"Sec. 28. That section 79-4,105.01, Revised Statutes Supplement, 1989, be amended to read as follows:

79-4,105.01. There shall be created for each affiliated high school district and each school district which accepts at least ten nonresident high school students pursuant to sections 79-494 to 79-4,105 an advisory committee which shall be composed of three school board members selected ~~annually~~ by all the school board members of the Class I school districts with which ~~send~~ such Class II, III, IV, V, or VI school district is affiliated or which sends nonresident high school students to such Class II, III, IV, V, or VI school district. The county superintendent shall ~~annually~~ call a meeting of all the school board members of such Class I school districts, not a part of a Class VI school district, for the purpose of establishing such advisory committees. Representatives shall serve three-year terms, except that of the members initially selected or selected at the end of terms being served on August 25, 1989, one shall serve a one-year term and one shall serve a two-year term.

The advisory committee shall provide advice and communication to the school board of such ~~accepting~~ affiliated high school district or accepting school districts regarding the ~~secondary~~ high school program, facilities, and budget and the needs and concerns of students, parents, and taxpayers in the Class I school district or districts. Each advisory committee shall meet at least biannually with the school board of the accepting school district and participate in good faith in those coordination requirements specified in section 79-4,158.01.

Sec. 32. That Laws 1988, LB 940, section 18, be amended to read as follows:

Sec. 18. Section 19 of this act shall become operative on July 1, ~~1991~~ 1992. The other sections of this act shall become operative on their effective date.".

2. On page 3, line 1; page 27, line 25; page 28, lines 5, 13, and 21; page 29, line 16; page 33, line 20; and page 34, line 5, strike "1991" and insert "1992".

3. On page 5, line 1, after the comma insert "file a petition for affiliation pursuant to section 79-402, 79-402.03, or 79-402.04 or a plan for affiliation pursuant to section 79-426.08 with the county superintendent to".

4. On page 28, line 18, strike "1994" and

insert “1992”.

5. On page 29, line 15, strike “September 1, 1994” and insert “July 1, 1992”.

6. On page 30, line 4, strike “July 1, 1994” and insert “September 1, 1992”.

7. On page 35, line 3, strike the first “and” and “79-4,105.01,”; and in line 4 after the last comma insert “section 79-4,105.01, Revised Statutes Supplement, 1989, and Laws 1988, LB 940, section 18,”.

8. Renumber the remaining section accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 259A in the Journal. No objections. So ordered.

AM2065

1. Strike original section 2.

2. On page 2, line 2, strike “106,771” and insert “97,920”; strike beginning with “1989” in line 3 through the first comma in line 4; in line 7 strike “First” and insert “Second”; in line 8 strike “1989” and insert “1990”; in line 11 strike “63,720” and insert “33,138”; strike line 12; and in line 13 strike “1,”.

Mr. Weihing asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM2016

1. On page 2, strike beginning with “except” in line 6 through the second comma in line 7; and strike beginning with “except” in line 15 through the second comma in line 16.

2. On page 3, strike beginning with “except” in line 3 through the second comma in line 5; in line 12 strike “shall” and insert “may”; and in line 15 strike “, and such” and insert “. Such a”.

3. On page 4, strike beginning with “the” in line 9 through line 10; and in line 16 strike “(6)” and insert “(7)”.

4. On page 8, lines 19, 22, and 24, strike “1990” and insert “1991”.

5. On page 9, line 22, strike “1990” and insert “1991”.

MOTION - Adopt Permanent Rules

The Rules Committee pending amendment, as amended, found in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to the pending amendment:

Amend Bernard-Stevens amendment: To amend #5
After "voting", add "or without unanimous consent".

The Chambers amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

The Rules Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 1, Sec. 17(c) and Rule 1, Sec. 22 as follows:

Strike Rule 1, Sec. 17(c):

~~(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.~~

Amend Rule 1, Sec. 22 to read as follows:

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. ~~The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.~~

The amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 7, Sec. 4 to read as follows:

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

(a) The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members or by a majority vote of the members voting, unless there are more than five nay votes. ~~, and until decided shall, except as provided in this section of this rule,~~ The adoption of a motion to cease debate shall preclude further debate and all amendments and motions, except one motion to adjourn.

(b) The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

Mr. Chambers offered the following amendment to the pending amendment:

In new language, after "there", strike "are more than five nay votes", and insert "is at least one nay vote"

Messrs. Peterson and Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.

The Rules Committee amendment, as amended, lost with 19 ayes, 21 nays, 6 present and not voting, and 3 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 7, Sec. 3(d) to read as follows:

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill ~~and~~ or must be in a natural and logical sequence to the subject matter of the original proposal. ~~A nongermane amendment includes~~

~~one that relates to a substantially different subject or accomplishes substantially different purpose than that of the original bill to which it is proposed.~~

Mr. Warner offered the following amendment to the pending amendment:

Amend #8 by striking "or" and insert "and"

The Warner amendment lost with 22 ayes, 6 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Moore offered the following amendment to the pending amendment:

Amend # 8

reinstate stricken language after the word "proposal" in third sentence insert

"or in a method of financing the bill"

Mr. Moore withdrew his pending amendment.

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Hall requested a roll call vote on the Rules Committee amendment.

Voting in the affirmative, 20:

Ashford
Baack
Bernard-Stevens
Chambers
Chizek
Conway
Dierks
Haberman
Hall
Hartnett
Kristensen
Labedz
Lindsay
Lynch
Nelson
Robak
Schimek
Schmit
Wesely
Withem

Voting in the negative, 25:

Abboud
Barrett
Beck
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Lamb
Landis
Langford
Moore
Peterson
Pirsch
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing

Present and not voting, 1:

Korshoj

Absent and not voting, 1:

McFarland

Excused and not voting, 2:

Johnson, R. Morrissey

The Rules Committee amendment lost with 20 ayes, 25 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Members Excused

Messrs. Baack and Hall asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 350 in the Journal. No objections. So ordered.

AM2008

1. Strike original section 6 and insert the following new sections:

"Sec. 6. That section 81-885.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-885.14. (1) To pay the expense of the maintenance and operation of the office of the commission and the enforcement of ~~sections 81-885.01 to 81-885.48, it~~ the Nebraska Real Estate License Act, the commission shall, at the time an application is submitted, collect from an applicant for each broker's or salesperson's examination a fee to be established by the commission of ~~twenty-five~~ not more than one hundred dollars and an application fee of ~~fifty~~ seventy-five dollars. The commission shall also collect a reexamination fee to be established by the commission of not more than one hundred dollars for each reexamination. The commission may direct an applicant to pay the examination or reexamination fee to a third party who has contracted with the commission to administer the examination. ~~If the applicant fails to pass the original examination, the applicant may take the examination one more time within a year for a fee of five dollars. If the applicant fails the second examination, then the third and all subsequent examinations may be taken upon the payment of twenty-five dollars for each examination.~~ A nonresident applicant who is duly licensed in the state of residence and who is granted a nonresident license under ~~the provisions of~~ a reciprocal agreement~~,~~ without being required to take an examination~~,~~ shall not be required to pay the examination and application fees. Prior to the issuance of an original license, each applicant who has passed the examination~~, as~~ required by section 81-885.13~~,~~ or who has received a license under a reciprocal agreement shall pay a license fee in advance as follows: For a broker's license, ~~fifty~~ sixty-five dollars for a resident and one hundred thirty dollars for a nonresident, and for a salesperson's license, ~~thirty~~ forty-five dollars for a resident and ~~eighty~~ ninety dollars for a nonresident. After the original issuance of a license, a renewal application and an annual fee of ~~fifty~~ sixty-five dollars for each resident broker, ~~and~~ one hundred thirty dollars for each nonresident broker, forty-five ~~and thirty~~ dollars for each resident salesperson, and ~~eighty~~ ninety dollars for each nonresident salesperson shall be due and payable on or before the last day of November of each year. Failure to remit annual fees when due shall automatically cancel such license on December 31 of that year, but otherwise the license shall remain in full force and effect continuously from the date of issuance~~,~~ unless suspended or revoked by the commission for just cause. Any licensee who fails to file an application for the renewal of any license and pay the renewal fee as provided in this section may file a late renewal application and shall pay, in addition to the renewal fee, the sum of ten dollars for each month or fraction thereof beginning with the first day of December~~,~~

~~PROVIDED, that~~ if such late application is filed before July 1 of the ensuing year. Any check presented to the commission as a fee for either an original or renewal license or for examination for license which is returned to the State Treasurer unpaid~~,~~ shall be cause for revocation or denial of license.

(2) An inactive salesperson ~~Any real estate salesperson who is temporarily unemployed or without an employing broker~~ may renew his or her license by submitting an application before December 1 prior to the ensuing year. Such salesperson shall submit the renewal fee together with the completed renewal application on which he or she has noted his or her present inactive status. Any salesperson whose license has been renewed on such inactive status shall not be permitted to engage in the real estate business until such time as he or she shall secure a new employing broker. ~~On or after January 1, 1977, any~~ Any license which has been inactive for a continuous period of more than three years shall be reinstated only if the licensee has met the examination requirement of an original applicant.

Sec. 10. That section 81-885.20, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-885.20. (1) Should the broker change his or her place of business, he or she shall forthwith notify the commission in writing of such change and thereupon a new pocket card shall be granted to the broker and to his or her associate brokers and salespersons.

(2) When a salesperson or associate broker leaves the employ of a broker, the employing broker shall immediately forward the license of such employee to the commission and shall furnish such information regarding the termination of employment as the commission may require and the employee shall immediately forward his or her pocket card to the commission.

(3) When a salesperson or associate broker transfers from one employing broker to another, ~~or~~ when an associate broker changes his or her status from associate broker to that of broker, or when a broker changes his or her status to that of associate broker, a transfer fee of ~~five~~ twenty dollars shall be paid to the

commission.”.

2. On page 32, line 1, after the third comma insert “81-885.20,”.

3. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 747 in the Journal. No objections. So ordered.

AM2022

(Amendments to AM1942)

1. Strike sections 1 to 7 and insert the following new sections:

“Section 1. That section 77-3509.04, Revised Statutes Supplement, 1989, be amended to read as follows:

77-3509.04. All homesteads in this state shall be valued for taxation the same as other property, except that for tax year 1989 and tax year 1990 any owner of a homestead shall receive (1)(a) for tax year 1989 an exemption of the first five thousand four hundred dollars of the actual value of the homestead if the owner files an application for such exemption and is qualified to receive it and (b) for tax year 1990 an exemption of the first four thousand six hundred dollars of the actual value of the homestead if the owner files an application for such exemption and is qualified to receive it, (2) an exemption under sections 77-3507 to 77-3509 for which the owner is qualified, or (3) the ~~eight and one-half percent~~ reduction in valuation provided by section 77-4203.

Sec. 2. That section 77-3512, Revised Statutes Supplement, 1989, be amended to read as follows:

77-3512. (1) It shall be the duty of each owner who applies for the homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1 and on or before April 1, and failure to do so shall constitute a waiver of the exemption for that year. The application shall include a certification of disability status as required by sections 77-3508 and 77-3509.

(2) It shall be the duty of each owner who

applies for the homestead exemption provided in subdivision (1) of section 77-3509.04 to file an application therefor with the county assessor of the county in which the homestead is located on or before September 1. ~~, 1989, for tax year 1989.~~ Failure to comply with this subsection shall constitute a waiver of the exemption.

Sec. 3. That section 77-3513, Revised Statutes Supplement, 1988, be amended to read as follows:

77-3513. ~~(1) For the tax year 1988, it shall be the duty of each claimant who wants a homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor on or before April 1, 1988, and failure to do so shall constitute a waiver of the exemption for such year. The application shall include a certification of disability status as required by sections 77-3508 and 77-3509.~~

~~(2)~~ (1) Except as required by section 77-3514, if an owner is granted a homestead exemption as provided in section 77-3507, ~~or~~ 77-3509, or 77-3509.04 or subdivision (1)(b), (c), (d), or (e) of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant ~~shall qualify~~ qualifies for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) ~~(3)~~ It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1)(a) of section 77-3508 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

Sec. 4. That section 77-3514, Revised Statutes Supplement, 1988, be amended to read as follows:

77-3514. A ~~Commencing January 1, 1989, a~~ claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509, except subdivision (1)(a) of section 77-3508, shall certify to the county assessor by April 1 of each year that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. A claimant who is the owner of a homestead which has been granted an exemption under section 77-3509.04 shall make such certification by September 1, 1990. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, occupancy, marital status, veteran status, rating by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs, or any other change that would affect the qualification for or type of exemption granted~~,~~ except income checked by the Tax Commissioner under section 77-3517. In addition, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 may notify the county assessor by August 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any property owner permits the allowance of the homestead exemption for any year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed. an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any property in this state for the two succeeding years.

Sec. 5. That section 77-4201, Revised Statutes Supplement, 1989, be amended to read as follows:

77-4201. Sections 77-4201 to 77-4206 and section 7 of this act shall be known and may be cited as the Property Tax Relief Act.

Sec. 6. That section 77-4203, Revised Statutes Supplement, 1989, be amended to read as follows:

77-4203. (1) All property tax valuations, except motor vehicle valuations, shall be reduced by eight and one-half percent for tax year 1989 and for tax year 1990 unless the owner of a homestead receives an exemption under sections 77-3507 to 77-3509 or subdivision (1) of section 77-3509.04.

(2) The county assessor shall adjust the assessment rolls to reflect the amount of the reductions provided in subsection (1) of this section.

(3) The county treasurer shall notify each taxpayer on his or her property tax statement of the total amount of property tax valuation assessed, the reduction in valuation provided by subsection (1) of this section, the net valuation, the total amount of property tax levied, the reduction in tax, and the net tax due.

Sec. 7. For tax years 1990 and 1991 the property tax rate levied for each political subdivision authorized by law to levy a property tax shall not be more than one hundred two percent of the rate levied in the preceding tax year. If the budget needs of a political subdivision necessitate a property tax rate greater than one hundred two percent of the rate of the preceding tax year, the political subdivision shall make application to the registered voters of the affected political subdivision for permission for such greater rate. The question of such property tax rate shall be presented to the registered voters of the affected political subdivision at the next regular county primary or general election or at a special election called for such particular purpose. At least forty-one days prior to the primary or general election or at least thirty days prior to a special election, the governing board of the political subdivision shall publish a notice of the election in a newspaper of general circulation in the county and shall include in such notice a statement outlining:

(1) The current property tax rate and the proposed property tax rate;

(2) The budget statement of the political subdivision accompanied by a statement indicating the

specific needs of the political subdivision which necessitate the greater property tax rate.

The greater rate shall be effective only upon approval of a majority of the registered voters of the affected political subdivision voting on the issue.

Sec. 8. That section 77-4207, Revised Statutes Supplement, 1989, be amended to read as follows:

77-4207. The Property Tax Relief Act shall terminate on July 15, ~~1990~~ 1991.

Sec. 9. This act shall be considered a complete act and its provisions inseverable. If any provision of this act is declared unconstitutional, the entire act shall be invalid.

Sec. 10. That original sections 77-3513 and 77-3514, Revised Statutes Supplement, 1988, and sections 77-3509.04, 77-3512, 77-4201, 77-4203, and 77-4207, Revised Statutes Supplement, 1989, are repealed.".

2. Renumber the remaining section accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 881 through 957 and legislative resolutions 229 and 233.

LB	Committee
881	Revenue
882	Judiciary
883	Judiciary
884	Transportation
885	Judiciary
886	Judiciary
887	Transportation
888	Health and Human Services
889	Judiciary
890	Government, Military & Veterans Affairs
891	Transportation
892	Natural Resources
893	Government, Military & Veterans Affairs
894	Revenue
895	Education
896	Revenue

897	Appropriations
898	Appropriations
899	Appropriations
900	Health and Human Services
901	Business and Labor
902	Transportation
903	Nebraska Retirement Systems
904	Judiciary
905	Appropriations
906	Natural Resources
907	Natural Resources
908	Urban Affairs
909	Revenue
910	Transportation
911	Education
912	Urban Affairs
913	Education
914	Transportation
915	Health and Human Services
916	Business and Labor
917	Health and Human Services
918	Government, Military and Veterans Affairs
919	Revenue
920	Appropriations
921	Judiciary
922	Natural Resources
923	Health and Human Services
924	Government, Military and Veterans Affairs
925	Health and Human Services
926	Judiciary
927	Judiciary
928	Judiciary
929	Revenue
930	Government, Military and Veterans Affairs
931	Government, Military and Veterans Affairs
932	Revenue
933	Government, Military and Veterans Affairs
934	Transportation
935	Education
936	General Affairs
937	Transportation
938	Banking, Commerce and Insurance
939	Revenue
940	Natural Resources

941	Natural Resources
942	Judiciary
943	Urban Affairs
944	Urban Affairs
945	Urban Affairs
946	Health and Human Services
947	General Affairs
948	Health and Human Services
949	Health and Human Services
950	Natural Resources
951	Judiciary
952	Revenue
953	Nebraska Retirement Systems
954	Health and Human Services
955	Appropriations
956	Banking, Commerce and Insurance
957	Urban Affairs

LR	**Committee**
229	Revenue
233	Government, Military and Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 997. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Commission on Rural Health Manpower; to amend section 71-5612, Revised Statutes Supplement, 1988; to change the termination date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 998. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 999. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to highways; to state intent; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 1000. Introduced by Haberman, 44th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to business relationships; to adopt the Equipment Business Regulation Act; and to provide severability.

LEGISLATIVE BILL 1001. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to Workers Memorial Day; to provide duties for the Governor.

LEGISLATIVE BILL 1002. Introduced by Lamb, 43rd District; Dierks, 40th District.

A BILL FOR AN ACT relating to schools; to eliminate a delayed repealer of provisions providing nonresident high school tuition; and to repeal Laws 1988, LB 940, sections 18 and 19.

LEGISLATIVE BILL 1003. Introduced by Elmer, 38th District; Lindsay, 9th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to criminal procedure; to authorize the Supreme Court to award costs in certain criminal prosecutions when a statute, ordinance, rule, or regulation is found unconstitutional as prescribed.

LEGISLATIVE BILL 1004. Introduced by Rogers, 41st District; Wehrbein, 2nd District; Dierks, 40th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to pseudorabies; to amend sections 54-2202, 54-2207, 54-2208, 54-2221, and 54-2223 to 54-2234, Reissue Revised Statutes of Nebraska, 1943, and sections 54-701.02 and 54-2201, Revised Statutes Supplement, 1989; to rename an act; to define and redefine terms; to provide a pseudorabies eradication program; to provide for rules and regulations; to change provisions relating to expenses of testing; to eliminate provisions relating to the development of an eradication plan; to harmonize provisions; and to repeal the original sections, and also section 54-2221.01, Revised Statutes Supplement, 1989.

LEGISLATIVE BILL 1005. Introduced by Baack, 47th District; R. Johnson, 34th District; Scofield, 49th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Wheat Development, Utilization, and Marketing Board; to amend sections 2-2301, 2-2302, 2-2303, 2-2304, and 2-2307, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the board as prescribed; to define a term; to provide for election of members of the board; to change districts as prescribed; to harmonize provisions; to repeal the original sections, and also section 2-2305, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1006. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1503, Reissue Revised Statutes of Nebraska, 1943; to increase the number of members on the Environmental Control Council; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1007. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 60-494, Revised Statutes Supplement, 1989; to require an applicant for an operator's license and for renewal of such a license to indicate whether he or she is a donor; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1008. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 44-2824, 44-2826, 44-2827, 44-2829, 44-2833, 44-2836, and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to provide for a risk-loss trust for certain health care providers as prescribed; to change provisions relating to health care providers regarding financial responsibility, surcharge limitations, claims, and obligations to pay awards as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1009. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to state government; to establish the Nebraska One Hundred Twenty-fifth Anniversary Commission; to provide for the membership of the commission; to provide powers and duties; to adopt a seal for the commission as prescribed; to prohibit unauthorized use of the seal as prescribed; to provide a penalty; to provide for permits and fees; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 1010. Introduced by Ashford, 6th District; Wesely, 26th District; Chambers, 11th District.

A BILL FOR AN ACT relating to aid to dependent children; to amend section 43-512.11, Reissue Revised Statutes of Nebraska, 1943, and section 43-512, Revised Statutes Supplement, 1989; to require the provision of services as prescribed; to provide for an additional transition benefit; to require additional reporting as prescribed; to require an appropriation; and to repeal the original sections.

SPEAKER BARRETT PRESIDING

MOTION - Adopt Permanent Rules

The Rules Committee offered the following amendment to the rules: Amend Rule 2, Sec 2 to read as follows:

Sec 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. These rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

The amendment was adopted with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

The Rules Committee offered the following amendment to the rules: Amend Rule 7, Section 1. Meeting Time, Restrictions.

Add the following new language:

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

The Legislature, on the 89th legislative day in odd-numbered years or on the 59th legislative day in even-numbered years, shall adjourn for a period of not less than five calendar days (Sunday excepted). Upon reconvening, the Legislature shall first consider any or all vetoed bills or any line-item vetoes made by the Governor during this five day recess before it proceeds to consider other business. This five day limitation may be suspended only by a three-fifths vote of the elected members, and any motion to adjourn to a date sooner than this five day limitation shall be out of order.

MR. LAMB PRESIDING

Messrs. Chizek and Ashford asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Wesely requested a roll call vote on the amendment.

Voting in the affirmative, 18:

Conway
Dierks
Elmer
Haberman
Hartnett
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Schimek
Smith
Wesely
Withem

Voting in the negative, 21:

Abboud
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Goodrich
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb

Langford
Moore
Rogers
Scofield
Warner
Wehrbein
Weihing

Present and not voting, 3:

Chambers
Peterson
Pirsch

Excused and not voting, 7:

Ashford
Baack
Chizek
Hall
Johnson, R.
Schellpeper
Schmit

The amendment lost with 18 ayes, 21 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1011. Introduced by Coordsen, 32nd District; Haberman. 44th District.

A BILL FOR AN ACT relating to administrative rules and regulations: to amend section 84-920, Reissue Revised Statutes of Nebraska. 1943: to require legislative review of proposed rules and regulations: to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1012. Introduced by Wesely, 26th District; Schimek. 27th District; Landis, 46th District; Crosby, 29th District; McFarland. 28th District.

A BILL FOR AN ACT relating to the judges retirement system; to amend section 24-710.01, Reissue Revised Statutes of Nebraska, 1943: to change a provision relating to an election of alternative contribution rates and retirement benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1013. Introduced by Schmit, 23rd District; Elmer. 38th District; Robak, 22nd District.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-620, Reissue Revised Statutes of Nebraska, 1943; to change appointment provisions for the treasurer; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment in the Journal. No objections. So ordered.

Amend Rule 3, Sec. 16 to read as follows:

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of the committee members to advance a bill to General File with or without committee amendments or to indefinitely postpone the bill. A committee may reconsider any final action prior to the Committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Mr. Schmit asked unanimous consent to print the following amendment in the Journal. No objections. So ordered.

Amend Rule 5, Sec. 4(3) as follows:

3. The special committee created by Legislative Resolution 5 on January 11, 1989, and continued by Legislative Resolution 232 on January 4, 1990, regarding the Franklin Credit Union investigation and matters related thereto, may introduce bills at any time during the course of the ~~1989~~ 1990 legislative session. Said bills to be introduced must receive endorsement of a majority of the committee

members whose names shall appear on the bill in order to fall within the purview of this section.

Mr. Withem asked unanimous consent to print the following amendment in the Journal. No objections. So ordered.

Amend Rule 7, Sec. 3(d) to read as follows:

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill, and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject. ~~or accomplishes substantially different purpose than that of the original bill to which it is proposed~~.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Bernard-Stevens asked unanimous consent to have his name added as co-introducer to LBs 895, 897, 953, 662, and 905. No objections. So ordered.

Mrs. Crosby asked unanimous consent to have her name added as co-introducer to LB 845. No objections. So ordered.

Mr. Schellpeper asked unanimous consent to have his name added as co-introducer to LB 830. No objections. So ordered.

ADJOURNMENT

At 4:49 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Monday, January 8, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 8, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 8, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Jay Schmidt, Lakeview Methodist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hefner who was excused; and Messrs. Ashford, Baack, Chizek, Conway, Hall, Landis, McFarland, Schmit, Mmes. Labedz, Nelson, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 180, line 28, strike "amend" and insert "amendment".
The Journal for the Second Day was approved as corrected.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 230, LR 232, and LR 234.

MESSAGES FROM THE GOVERNOR

December 28, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Investment Council, requiring legislative confirmation.

Appointee: Ann L. Spence, 9737 Frederick Street, Omaha, NE 68124, (402) 391-3797.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 28, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Public Power Review Board, requiring legislative confirmation.

Appointee: Raymond J. Hajek, 1060 E. 7 Avenue, Columbus, NE 68601, (402) 564-4379.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 28, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Power Review Board, requiring legislative confirmation.

Appointee: Lawrence R. Myers, The Atrium, Suite 601, Lincoln, NE 68508, (402) 489-9481.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 28, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Public Employees Retirement Board, requiring legislative confirmation.

Appointee: Connie J. Witt, 5317 Meredith, Lincoln, NE 68506, (402) 489-5474.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:tr

COMMUNICATION

January 4, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This is in regards to Alan Simon, P.O. Box 3300, Omaha, NE 68103, who was appointed by Governor Orr to the Job Training Council.

According to Neb.Rev.Stat. 48-1611, legislative confirmation is not required for persons appointed to the Job Training Council.

Therefore, the Business & Labor Committee will not schedule a confirmation hearing for Mr. Simon.

Sincerely,
(Signed) Senator George Coordsen, Chairman
Business & Labor Committee

GC:dn

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte	
Cook & Doyle, P.C.	27,533.35
Little Blue	
Shoemaker & Witt	857.50
Arthur R. Langvardt	25.24
Lower Big Blue	
Everson, Wullschleger, Sutter,	

Sharp, Korslund & Willet	2,198.27
Lower Elkhorn	
Heron, Burchett, Ruckert & Rothwell	1,385.76
Jewell, Gatz, Collins & Dreier	35,530.72
Nebraska Natural Resources Commission	None
Upper Big Blue	
Crosby, Guenzel, Davis, Kessner & Kuester	23,571.90

REPORTS

The following reports were received by the Legislature:

Audit report of the State Athletic Commission for the years ended June 30, 1989, 1988 and 1987.

Audit report of the Nebraska Department on Aging for the year ended June 30, 1989.

Report on Internal Controls and Compliance of Wayne State College for the year ended June 30, 1989.

Report on Internal Controls and Compliance of Kearney State College for the year ended June 30, 1989.

Report on Internal Controls and Compliance of Chadron State College for the year ended June 30, 1989.

Report on Internal Controls and Compliance of Peru State College for the year ended June 30, 1989.

Audit report of the Department of Administrative Services Letters-of-Credit for the year ended June 30, 1989.

Audit report of the Secretary of State for the years ended June 30, 1989 and 1988.

Audit report of the Department of Personnel for the years ended June 30, 1989 and 1988.

Audit report of the Nebraska Corn Development, Utilization and Marketing Board for the fiscal years ended June 30, 1989, 1988, 1987, and 1986.

Audit report of the Governor for the years ended June 30, 1988 and 1987.

Audit report of the Lieutenant Governor for the years ended June 30, 1988 and 1987.

Audit report of the Nebraska State Racing Commission for the years ended June 30, 1989, 1988, 1987, 1986 and 1985.

Audit report of the Nebraska State Historical Society for the year ended June 30, 1988.

Audit report of the State Electrical Division for the years ended June 30, 1989, 1988 and 1987.

Audit report of the Department of Water Resources for the years ended June 30, 1989 and 1988.

Audit report of the Nebraska Policy Research and Energy Office for the year ended June 30, 1988.

Semi-annual report of Program #518, Construction Grants Program in accordance with Section 81-1533 of the Reissue Revised Statutes of Nebraska, 1943.

Semi-annual report of Program #523, Wastewater Facilities Construction Assistance Program in accordance with Neb. Rev. Stat. Section 81-15, 153 (Supp. 1989) of the Reissue Revised Statutes of Nebraska, 1943.

MOTION - Adopt Temporary Rules

Mr. Lynch moved that the Rules, as now in our possession, be adopted for today only, Monday, January 8, 1990.

The motion prevailed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1014. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to schools and school districts; to authorize membership in a school activities association as prescribed; and to provide for rules and regulations.

LEGISLATIVE BILL 1015. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1989; to provide a sales tax exemption for certain nonprofit organizations supplying services to homeless and displaced persons and shelters for such persons; and to repeal the original section.

LEGISLATIVE BILL 1016. Introduced by Goodrich, 20th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1989; to change provisions relating to powers of savings and loan associations; to repeal the original section; and to declare an emergency.

MOTION - Adopt Permanent Rules

Mr. Lynch moved to adopt the permanent rules.

The Rules Committee offered the following amendment to the rules: Amend Rule 7 by adding a new Section 10 to read as follows:

Sec. 10. At any stage of consideration the introducer of the bill under consideration or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at each stage of consideration, except that the appropriation bills introduced by the Appropriations committee shall be subject to a cloture motion after twelve hours of debate at each stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on such pending amendment or motion shall be taken immediately. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

A motion for cloture shall have precedence over other motions except a motion to adjourn.

A motion for cloture following an unsuccessful motion for cloture shall not be in order until one additional hour of debate has passed.

A motion to suspend the rules for the purpose of cloture shall not be in order.

Mr. Moore moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Moore requested a roll call vote on the Rules Committee amendment.

Voting in the affirmative, 22:

Abboud
Beck
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Goodrich
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
Moore
Peterson
Pirsch
Rogers
Weihing

Voting in the negative, 21:

Ashford
Barrett
Bernard-Stevens
Chambers
Haberman
Hall
Hannibal
Hartnett
Johnson, L.
McFarland
Morrissey
Nelson
Robak
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Wesely

Present and not voting, 1:

Conway

Absent and not voting, 1:

Withem

Excused and not voting, 4:

Baack
Chizek
Hefner
Landis

The Rules Committee amendment lost with 22 ayes, 21 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb renewed his pending amendment to the rules, found in the Journal on page 183.

Mr. Chambers offered the following amendment to the Lamb amendment:

Amend Lamb amendment in sub-paragraph (B)
In line 4 after "of", insert, " a majority of"; in line 5 after "or", insert, "an affirmative vote of a majority of the committee members".

The Chambers amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lamb amendment, as amended, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Schmit renewed his pending amendment to the rules, found in the Journal on page 183.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Lynch renewed the Withem pending amendment to the rules, found in the Journal on page 184.

Mr. Lynch moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Lynch requested a roll call vote on the Withem amendment.

Voting in the affirmative, 27:

Ashford
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Dierks
Goodrich
Haberman
Hall
Hannibal
Hartnett
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lynch
Morrissey
Nelson
Robak
Schellpeper
Schimek
Smith
Warner
Weihing
Wesely

Voting in the negative, 17:

Abboud
Barrett
Beck
Beyer
Byars
Crosby
Elmer
Johnson, L.
Lamb
Langford
McFarland
Moore
Peterson
Pirsch
Rogers
Scofield
Wehrbein

Absent and not voting, 1:

Schmit

Excused and not voting, 4:

Baack
Hefner
Lindsay
Withem

The Withem amendment was adopted with 27 ayes, 17 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1017. Introduced by Goodrich, 20th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1989; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1018. Introduced by Abboud, 12th District; Beck, 8th District.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-101, Reissue Revised Statutes of Nebraska, 1943; to make it unlawful to discharge firearms at certain buildings, motor vehicles, and aircrafts; to define terms; and to repeal the original section.

LEGISLATIVE BILL 1019. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.09 and 81-1201.20, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1201.07 and 81-1201.10, Revised Statutes Supplement, 1989; to provide for creation of the International Trade Office Division in the Department of Economic Development; to provide powers and duties; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1020. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-669.07, 39-669.08, 39-669.09, 39-669.11, and 39-669.14, Reissue Revised Statutes of Nebraska, 1943; to provide that a person convicted of driving under the influence of alcoholic liquor or drugs attend a drug treatment program; to provide for the implied consent to a chemical test for the presence of drugs as prescribed; to provide for the admission into evidence of the refusal to submit to tests as prescribed; to change provisions relating to the choice of tests as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1021. Introduced by Coordsen, 32nd District; Kristensen, 37th District.

A BILL FOR AN ACT relating to safety regulations; to amend section 75-363, Revised Statutes Supplement, 1989; to exempt certain drivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1022. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to the Department of Social Services; to authorize the director to establish payment rates for certain children in foster care and in the custody of the department as prescribed.

LEGISLATIVE BILL 1023. Introduced by Withem, 14th District; Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend section 28-1102, Reissue Revised Statutes of Nebraska, 1943; to make advertising access to certain information the offense of promoting gambling; and to repeal the original section.

LEGISLATIVE BILL 1024. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to abortion; to amend section 28-329, Reissue Revised Statutes of Nebraska, 1943; to prohibit abortion for the purpose of gender preference; and to repeal the original section.

LEGISLATIVE BILL 1025. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 71-3508.02 and 77-3,112, Revised Statutes Supplement, 1988, and section 71-3503, Revised Statutes Supplement, 1989; to withdraw Nebraska from the Central Interstate Low-Level Radioactive Waste Compact and to repeal the Low-Level Radioactive Waste Disposal Act; to provide a duty for the Governor; to harmonize provisions; and to repeal the original sections, and also Laws 1983, LB 200, sections 1 and 3, sections 81-1580, 81-1582 to 81-1586, 81-1587 to 81-1589, 81-1592 to 81-1599, 81-15,100, 81-15,102, 81-15,103, 81-15,105, 81-15,108 to 81-15,111, 81-15,113, and 81-15,114 to 81-15,116, Reissue Revised Statutes of Nebraska, 1943, sections 81-1579, 81-1586.01, 81-1599.01, 81-15,101.04, 81-15,101.05, 81-15,102.01, 81-15,107, 81-15,112, and 81-15,112.01, Revised Statutes Supplement, 1988, and sections 81-1578, 81-1579.01, 81-1581, 81-1590 to 81-1591.01, 81-1599.02, 81-15,101 to 81-15,101.03, 81-15,102.02, 81-15,102.03, 81-15,104, 81-15,106, 81-15,112.02, 81-15,113.01, and 81-15,113.02, Revised Statutes Supplement, 1989.

LEGISLATIVE BILL 1026. Introduced by McFarland, 28th District; Crosby, 29th District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1254.10, Reissue Revised Statutes of Nebraska, 1943; to require certain school districts to provide a period of preparation time as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1027. Introduced by Schimek, 27th District.

A BILL FOR AN ACT relating to real estate; to amend section 81-885.47, Reissue Revised Statutes of Nebraska, 1943; to provide that psychological impact is not a material fact which must be disclosed in a real estate transaction; to define a term; to prohibit certain disciplinary action; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Wesely, 26th District; Korshoj, 16th District; McFarland, 28th District; Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4104 and 77-4110, Revised Statutes Supplement, 1988, and section 77-27,119, Revised Statutes Supplement, 1989; to change the contents of an annual report on the Employment and Investment Growth Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1029. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1433, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1030. Introduced by Wesely, 26th District; Schimek, 27th District.

A BILL FOR AN ACT relating to political campaigns; to adopt the Campaign Finance Reform Act.

MOTION - Escort Governor

Mr. Coordsen moved that a committee of five be appointed to escort the Governor to the Legislative Chamber to deliver her State of the State and Budget Message.

The motion prevailed.

The Chair appointed Messrs. Coordsen, Dierks, Weihing, Abboud, and Mrs. Pirsch to serve on said committee.

The committee returned and escorted Governor Kay A. Orr to the rostrum where she delivered the following State of the State and Budget Address.

STATE OF THE STATE ADDRESS

(Governor Orr's message will be printed in the Fourth Day's Journal, January 9, 1990.)

The committee escorted Governor Orr from the Chamber.

EASE

The Legislature was at ease from 10:54 a.m. until 11:16 a.m.

SPEAKER BARRETT PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1031. Introduced by Speaker Barrett, 39th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1989, LB 301, section 1; Laws 1989, LB 813, sections 29, 30, 63, 76, and 87; and Laws 1989, LB 814, sections 40, 49, and 62; to define terms; to change certain appropriations as prescribed; to provide for deficit appropriations; to state intent; to eliminate a provision dealing with capital expenditures; to repeal the original sections, and also Laws 1989, LB 814, section 4; and to declare an emergency.

LEGISLATIVE BILL 1032. Introduced by Barrett, 39th District; Warner, 25th District; Labedz, 5th District.

A BILL FOR AN ACT relating to administrative departments; to amend section 81-1180, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to reimbursement of certain members of expenses of state commissions, councils, committees, or boards as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 235. Introduced by Warner, 25th District.

WHEREAS, the Malcolm High School Marching Band participated in the Orange Bowl Parade on December 31, 1989; and

WHEREAS, Malcolm High School was the smallest school invited to the Orange Bowl Parade; and

WHEREAS, the invitation to and participation in the Orange Bowl Parade by the Malcolm High School Marching Band demonstrates the high standards of excellence achieved by the band; and

WHEREAS, the high standards of excellence were achieved through talent, hard work, diligence, and hours of practice; and

WHEREAS, the Malcolm High School Marching Band should be commended for its outstanding performance in the Orange Bowl Parade.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members and director of the Malcolm High School Marching Band on their participation in the Orange Bowl Parade.
2. That the Legislature commends the members and director for their excellent representation of their school and the State of Nebraska.
3. That a copy of this resolution be sent to the Malcolm High School Marching Band.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 409 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2079.)

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 958 through 1013 and Governor appointments.

LB	Committee
958	Transportation
959	Nebraska Retirement Systems
960	Education
961	Revenue
962	Government, Military & Veterans Affairs
963	Education
964	Urban Affairs
965	Revenue
966	Urban Affairs
967	Judiciary
968	Urban Affairs
969	Natural Resources
970	Government, Military & Veterans Affairs
971	Judiciary
972	Agriculture
973	Natural Resources
974	Business & Labor
975	Business & Labor
976	Judiciary
977	Judiciary
978	Judiciary
979	Transportation
980	Transportation
981	Banking, Commerce & Insurance
982	Banking, Commerce & Insurance
983	Banking, Commerce & Insurance
984	Banking, Commerce & Insurance
985	Banking, Commerce & Insurance
986	Business & Labor
987	Natural Resources
988	Transportation
989	Government, Military & Veterans Affairs
990	Government, Military & Veterans Affairs

991	Business & Labor
992	Revenue
993	Natural Resources
994	Health & Human Services
995	Appropriations
996	Government, Military & Veterans Affairs
997	Health & Human Services
998	Appropriations
999	Appropriations
1000	Banking, Commerce & Insurance
1001	General Affairs
1002	Education
1003	Judiciary
1004	Agriculture
1005	Agriculture
1006	Natural Resources
1007	Transportation
1008	Banking, Commerce & Insurance
1009	Government, Military & Veterans Affairs
1010	Health & Human Services
1011	Government, Military & Veterans Affairs
1012	Nebraska Retirement Systems
1013	Natural Resources

Banking, Commerce & Insurance
Ann L. Spence - Nebraska Investment Council

Nebraska Retirement Systems
Connie J. Witt - Public Employees Retirement Board

Natural Resources
Raymond J. Hajek - Nebraska Power Review Board
Lawrence R. Myers - Nebraska Power Review Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

MOTION - Reconsider Action on Rules

Mr. Chambers moved to reconsider the Rules Committee amendment, found in the Journal on page 180 and 181, to amend Rule 7, Section 1.

Messrs. Moore and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 20:

Baack
Chambers
Chizek
Conway
Dierks
Haberman
Hall
Hartnett
Korshoj
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Schellpeper
Schimek
Smith
Wesely

Voting in the negative, 25:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Pirsch
Rogers
Schmit
Scofield
Warner
Wehrbein
Weihing

Excused and not voting, 4:

Hefner
Moore
Peterson
Withem

The Chambers motion to reconsider lost with 20 ayes, 25 nays, and 4 excused and not voting.

The Chair declared the call raised.

MOTION - Adopt Permanent Rules

Mr. Lynch renewed his pending motion, found in this day's Journal, to adopt permanent rules, as amended.

Mr. Chambers requested a record vote on the Lynch motion.

Voting in the affirmative, 36:

Abboud
Ashford
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby

Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Baack
Bernard-Stevens
Korshoj
Nelson
Pirsch
Robak
Schmit
Wesely

Excused and not voting, 4:

Hefner
Moore
Peterson
Withem

The Lynch motion to adopt permanent rules, as amended, was adopted with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1033. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943: to change a provision relating to the first issuance of a certificate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1034. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1207 and 2-1208.01, Revised Statutes Supplement, 1989; to change the amount licensees are authorized to deduct from parimutuel wagers as prescribed; to change the tax on parimutuel wagers as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1035. Introduced by McFarland, 28th District; Chizek, 31st District; Lindsay, 9th District.

A BILL FOR AN ACT relating to schools; to amend section 79-12,107, Reissue Revised Statutes of Nebraska, 1943; to provide for judicial review of school board decisions as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1036. Introduced by Conway, 17th District; Hall, 7th District; Warner, 25th District; Baack, 47th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 45-101.05, 45-101.07, and 77-1705, Reissue Revised Statutes of Nebraska, 1943, and section 77-204, Revised Statutes Supplement, 1988; to provide for payment of real estate taxes in monthly installments prior to and after delinquency; to require a lender to make installment payments of tax as prescribed; to harmonize provisions; and to repeal the original sections.

VISITORS

Visitors to the Chamber were 20 students from Burke High School, Omaha: and 29 sophomores and teacher from Raymond Central High School.

RECESS

At 11:58 a.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers and Hefner who were excused; and Messrs. Ashford, Goodrich, R. Johnson, Kristensen, Landis, McFarland, Peterson, Schmit, Wehrbein, Withem, Mmes. Labedz, and Smith who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 678. Title read. Considered.

Standing Committee amendment, AM0570, found in the Journal on page 908 for the Thirty-Sixth Day, First Session, 1989, was considered.

Mr. Haberman offered the following amendment to the pending Standing Committee amendment:
AM2030

(Amendments to Standing Committee amendments, AM0570)

1. On page 1, line 12, after "district" insert ", except that the parent appointed to represent the third congressional district shall reside in North Platte, Nebraska, or an area west of North Platte, Nebraska".

2. On page 2, line 7, after the underscored period insert "Meetings shall be scheduled on a rotating basis so that a meeting is held in each congressional district."; in line 11 strike "and" and after the last quotation marks insert "; and after line 11 insert the following new paragraph:

'The department shall provide training opportunities throughout the state and shall hold at least one pre-service orientation and inservice training program each year in each legislative district.' "; and in line 12 after the first comma insert "line 5, after 'members' insert ', at least five of whom shall be residents of the third congressional district,'; and in" and strike the second comma.

3. Insert the following new amendment:

"5. On page 15, line 8, strike 'may' and insert 'shall'; and in line 11 after the period insert 'At least one public hearing shall be held in the third congressional district in Ogallala, Nebraska.'.".

4. Renumber the remaining amendment accordingly.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

The Haberman amendment was adopted with 17 ayes, 1 nay, 18 present and not voting, and 13 excused and not voting.

Mr. Wesely offered the following amendment to the pending Standing Committee amendment:
FA307

to amend the Haberman amendment, AM2030, to LB 678, as follows.

On pg 2, line 4, strike "in Ogallala, Nebraska."

The Wesely amendment was adopted with 23 ayes, 1 nay, 12 present and not voting, and 13 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Wesely offered the following amendment:
AM2085

1. On page 7, line 19, strike beginning with "the" through "1990" and insert "FY1990-91"; and strike lines 24 and 25.
2. On page 8, strike beginning with "Effective" in line 1 through the underscored period in line 2.
3. On page 12, line 8; and page 16, line 12, strike "1989" and insert "1990".
4. On page 13, line 14, strike "1990" and insert "1991".
5. On page 15, line 13, strike "early childhood" and insert "a family day care home"; and in line 14 strike "program".
6. On page 17, line 15, strike "1992" and insert "1993".

The Wesely amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Haberman withdrew his pending amendment, AM1137, found in the Journal on page 1518, First Session, 1989.

Messrs. Elmer, Chizek, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 11 nays, and 23 not voting.

Advanced to E & R for review with 26 ayes, 4 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 678A. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM2054, found in the Journal on page 158.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1037. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-701, Revised Statutes Supplement, 1989; to provide that foreign exchange students not be counted in certain membership reports as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 76-1419 and 76-1431, Reissue Revised Statutes of Nebraska, 1943; to require landlords to attach numbers or letters to individual units as prescribed; to provide for service of process; and to repeal the original sections.

LEGISLATIVE BILL 1039. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to retirement systems; to amend section 84-1511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to preretirement planning programs; to expand the scope of employees eligible to attend such programs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to deceptive trade practices; to amend sections 87-303.09, 87-303.10, and 87-306, Reissue Revised Statutes of Nebraska, 1943, and section 87-303.08, Revised Statutes Supplement, 1988; to provide and change penalties; to change a statute of limitations; to provide for civil penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1041. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Morrissey, 1st District; Weihing, 48th District.

A BILL FOR AN ACT relating to the habitat stamp; to amend section 37-216.01, Reissue Revised Statutes of Nebraska, 1943; to increase the fee for such stamp; and to repeal the original section.

LEGISLATIVE BILL 1042. Introduced by Hartnett, 45th District; Lindsay, 9th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the taking of certain depositions as prescribed; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Transportation

LB 910	Tuesday, January 16, 1990	1:30 p.m.
LB 847	Tuesday, January 16, 1990	1:30 p.m.
LB 858	Tuesday, January 16, 1990	1:30 p.m.
LB 859	Tuesday, January 16, 1990	1:30 p.m.
LB 875	Tuesday, January 16, 1990	1:30 p.m.
LB 891	Tuesday, January 16, 1990	1:30 p.m.

(Signed) Howard Lamb, Chairperson

GENERAL FILE

LEGISLATIVE BILL 720. Title read. Considered.

Standing Committee amendment, AM0618, found in the Journal on page 909 for the Thirty-Sixth Day, First Session, 1989, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

PRESIDENT NICHOL PRESIDING

Mr. Warner offered the following amendment:
FA308
striking lines 10 thru 15 on page 2.

The Warner amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 720A. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM2057, found in the Journal on page 157.

The Wesely amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1043. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to public building commissions; to amend section 13-1303, Reissue Revised Statutes of Nebraska, 1943;

to change a provision relating to the corporate existence of such commissions; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-726 and 17-714, Reissue Revised Statutes of Nebraska, 1943; to provide a procedure for actions for certain claims against cities of the first and second class and villages as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1045. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,131, Reissue Revised Statutes of Nebraska, 1943; to adopt the Child Health Insurance Reform Act; to harmonize a provision; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to immunization of children; to require the Department of Health to provide vaccine without charge as prescribed.

LEGISLATIVE BILL 1047. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 1988; to change provisions relating to eligibility for benefits as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1048. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to administrative procedure; to amend sections 84-913, 84-1411, and 84-1412, Reissue Revised Statutes of Nebraska, 1943, and section 84-1409, Revised Statutes Supplement, 1989; to provide for certain hearings and public meetings to be held using electronic or telecommunication equipment as prescribed; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 236CA. Introduced by Withem, 14th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VIII, section 1.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VIII, section 1, which is hereby proposed by the Legislature:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all ~~tangible~~ real property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The ~~;~~ ~~PROVIDED, that such~~ tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of ~~said~~ the county on personal tangible property. The legislature may provide for a nonuniform method of taxing tangible personal property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses~~;~~ and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. The Legislature may provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize the Legislature to provide for a nonuniform method of taxing tangible personal property.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 503. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 943 and LB 945. No objections. So ordered.

VISITORS

Visitors to the Chamber were 28 tenth grade students and teacher from Bishop Neuman High School, Wahoo.

ADJOURNMENT

At 4:17 p.m., on a motion by Mr. Withem, the Legislature adjourned until 9:00 a.m., Tuesday, January 9, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 9, 1990

LEGISLATIVE JOURNAL

FOURTH DAY - JANUARY 9, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 9, 1990

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Robert Kunz, First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Rogers who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beyer, Chambers, Conway, Haberman, Hall, R. Johnson, Landis, Lindsay, McFarland, Morrissey, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

STATE OF THE STATE ADDRESS

The following speech was given January 8, 1990, by Governor Kay Orr:

Mr. Speaker, Mr. President, ladies and gentlemen of the Legislature, friends, and my fellow citizens:

It's indeed a pleasure to join you as we enter the 1990s and stand at the gateway to the 21st century. We live in an exceptional time.

Dramatic changes swirl about us. Expectations long suppressed are given new expression. The image is fresh in our minds of the young people of Berlin, tearing down the wall, an act symbolic of a desire for a better life...a richer political, economic, and cultural life. Those changes are happening all over East Central Europe and the Soviet Union.

It's appropriate to recall that many of those who came to Nebraska had origins in Czechoslovakia, Poland, Germany, Russia, the Baltic countries and so many other nations. They came to Nebraska seeking a better life. They continue to come, receiving a better life.

But let us acknowledge and rededicate ourselves to the fact that the better life requires constant effort from one generation to another. As elected leaders of this state we bear much of the responsibility for making the decisions that ensure that better life.

In this first year of the last decade of the 20th century we are positioned to take measured strides toward the future. So it is that I look forward to the nineties with enthusiasm and optimism...convinced we can continue the momentum of recent years.

A moments reflection will reveal the landmarks of our progress. Recall 1987.

--Nebraska unemployment had climbed to 5.5 percent.

Today it is 2.9 percent, the lowest rate of any state west of the Mississippi.

--Manufacturing employment was down dramatically.

Today Nebraska's growth in manufacturing employment is one of the strongest in the nation.

--Job creation slowed to a virtual standstill.

Today 23,000 new jobs are on the drawing board. Approximately 15,000 jobs are already filled by Nebraskans.

--State finances were buffeted constantly like a kite in a gusty wind.

Today state finances have been stabilized...while dozens of other states are in serious financial trouble.

--Until recently advanced research and product development at the University were not competitive.

Today a bold initiative for advanced research at the University of Nebraska promotes economic opportunities for our citizens.

--Not long ago the morale of our teachers and professors was at a low ebb.

Today salaries have been increased, and renewed financial commitments enhance education at all levels.

The turn-around in Nebraska's economy has been noticed! A couple of months ago, the Christian Science Monitor reported that

"New economic development incentives approved in 1987 have polished Nebraska's national image."

These achievements evidence the strength and character of this state. The principles and ideals which bind us are far greater than the differences which divide us. We are committed to the pursuit of excellence in our educational system, and we place a high value on the unsurpassed quality of life that we enjoy.

Just a few years ago the collective vision of our citizens was blurred by conditions of economic stress. It was essential that self-confidence be restored and that renewed economic vigor be returned to the main streets of our communities. It was a time to build, and we did it!

Effective partnerships between government and the private sector were created. Individual initiative and hard work made those partnerships work. Those partnerships brushed away the clouds of misfortune and uncertainty, and set us back on course toward the realization of our hopes for the future.

One of my major responsibilities as Governor is to listen... to listen to the "whisper of the prairie," which, I must admit, sometimes sounds more like a roar. Through the Capital for a Day and most recently, the GREAT Town program, I have criss-crossed this state, listening to Nebraskans from our smallest towns and villages to our largest cities. Several communities hosted a Governor for the first time. Both of these programs have given me a far greater understanding of the hopes and dreams, as well as the problems and frustrations of the people of Nebraska. There is personal reward in visiting these towns. It gives me strength of purpose to study the faces of children in their classrooms, to learn from the wisdom of our elders, whose experiences are the foundations upon which we build the future. It's in these communities where so much of the true spirit and real strength of our people lie.

Bess Streeter Aldrich once explained her affection for her village of Elmwood with these words: "I have experienced a thousand times the warm-hearted hospitality, loyal friendships and deep sympathy of the small town."

And, happily so have I.

Nebraska small towns and their metropolitan counterparts form the fabric we call "community." Together those communities form the tapestry we call "Nebraska."

With all that as background, let us turn our attention to the matter at hand---Where do we go from here to attain the better life for all Nebraskans?

The proposals offered to you today will provide Nebraskans the opportunity to sustain and build on our progress, strengthen our people, and enrich our society as we prepare for the 21st century.

FIRST...

I believe that the fundamental responsibility of government is to protect its citizens and provide for their well-being and safety. To achieve that end I am proposing strong legislation that will help eradicate the problem of illegal drugs in our society.

--We must take away the profits
--protect our children in our neighborhoods and schools, and
--remove users from our streets.
--We must strengthen enforcement and prosecution and
--provide for expanded incarceration, treatment, and counseling.
--We must continue to educate both young and old about this deadly scourge.

I want to make it crystal clear. Nebraska intends to rid itself of this evil which is corrupting our youth and spawning crime in our streets. There must be more state drug enforcement officers on the front lines, backed up by tougher laws to take the glamour out of using and the profit out of selling.

I am recommending new appropriations to enhance enforcement, through the addition of 15 drug enforcement officers, 10 drug abuse resistance education officers, and the full reinstatement of paid overtime for the State Patrol.

Under the leadership of Colonel Harold LeGrande, Nebraska law enforcement...from our local police and county sheriffs, to state and federal investigators, are working together, making significant strikes against illegal narcotics activity. These are dedicated women and men, committed to protecting Nebraska families.

I am working with Senator Conway to further develop his proposal to impose an immediate assessment on the street value of drugs found at the time of arrest. Property...cars, houses, bank accounts...would be subject to seizure to satisfy the judgment.

Collection of this drug money should be used to help educate Nebraskans on the evils of drug abuse...to provide for drug treatment programs, and to fund enforcement programs.

In that connection, I urge the legislature to act promptly on Senator Chizek's LB 205, which will strengthen our state seizure and forfeiture laws and conform Nebraska law to the federal anti-drug statutes.

I endorse Senator Pirsch's bill to create Drug-Free School Zones across the state. This proposal follows the same lines as Mayor P.J. Morgan's successful efforts in Omaha.

I am working with Senator Lowell Johnson to deter drug dealers from involving minors in their illegal enterprise by making it a separate felony to hire minors as part of an illegal drug operation.

I support Senator Langford's proposal to suspend the driver's licenses of those convicted of drug-related offenses. To combat the "laundering of money from illegal drug deals, I am proposing a statute that will require financial institutions to report large cash transactions.

Our prosecution forces will be strengthened by doubling the Drug Prosecution Unit in the Attorney General's office.

Today our prison capacity is at 144 percent, 5th highest in the nation. Our new drug efforts will increase that percentage unless more prison space is provided. Thanks to the efforts of Senator Hannibal and his committee on Prison Overcrowding, we now have a coherent and logical basis for addressing the growing needs of the state's corrections system. Accordingly, funding for the addition of 430 beds to the adult facilities will be recommended. We have no choice.

If these prisoners are to have any chance of rehabilitation, they must have treatment and counseling; therefore, six mental health counselors should be reinstated in the Department of Corrections and a portion of the federal block grant reserved for law enforcement should be used to triple the current chemical dependency grant for both adults and juveniles in state custody.

Drug abuse is a plague threatening every single family. It is being fought in communities across the state and led by committed Nebraskans like Tom Barlow, Joe Edmunsen, Willa Kirts, Carl Washington, Paul and Kandy Hofmeister, Creola Woodall, Pastor William Barlow, Parents in Action, the Mad Dads, Malone Community Center, and the Drug Free Youth Network at Scottsbluff High School. Nebraskans expect our total commitment to this war. That commitment is reinforced today.

SECOND...

We must continue to encourage business expansion and bring new job opportunities to Nebraska. As I've traveled and listened to the people and been involved in their plans for the future, I have been impressed by the independence, determination, and optimism that motivates Nebraskans to improve the quality of life in their communities.

In order to continue the revitalization of rural Nebraska increased resources must be available to the people who live and work in our rural communities. I have asked the Department of Economic Development to make changes in the Community Development Block Grant program to provide more flexibility to meet the various needs of our smaller communities.

Additional business assistance will be available through expansion of the direct loan and loan guarantee provisions, and funds will be available for retail business development in communities with populations of 25-hundred or less.

THIRD...

Throughout our history, agriculture has been the foundation of Nebraska's economy. We are Number One in Agriculture, and prospects for the future are bright. Just last week Nebraska moved into first place as the leading cattle feeding state in the nation. Of the $2.4 billion that will be invested under the economic development initiatives, approximately $540 million will be devoted to the processing of agricultural products. That's good news. The rest of the story is that 1989 was a difficult year for Nebraska agriculture. Eighty-seven of 93 counties qualified for federal disaster relief.

The Drought Assessment Response Team, activated last April, will continue to stay abreast of drought conditions gripping our state. Until our prayers for replenishing snows and rains are answered, the drought situation will be monitored closely; and we will be prepared to act on behalf of our farmers, feeders, and ranchers.

This Fall, the people of Nebraska will...once again...have the opportunity to determine how agriculture real estate should be valued. I believe that ag-land should be fairly valued on its ability to produce.

FOURTH...

Modern technology gives us the opportunity to link our state together to provide exciting new education opportunities to students and teachers in communities across the breadth of this state.

I will recommend substantial funding for Phase II of NEBSAT, the Nebraska telecommunications delivery system for education. The benefits of NEBSAT range from allowing students in low-enrollment schools to receive instruction from teachers in larger schools, to an MBA program to be offered at the Panhandle Research and Extension Center in Scottsbluff.

In addition, funding will be sought to enhance the delivery of nursing school programs to Scottsbluff by the University of Nebraska Medical Center in Omaha. Matching funds will be proposed so that 22 additional schools can purchase satellite dishes to receive Star Schools and NEBSAT programming. In all, the system will link 82 communities across Nebraska.

In that regard I wish to acknowledge the role of Jack McBride, Director of the Nebraska Educational Television Network, and the Telecommunications Coordinating and Planning Group, for bringing together a feasible plan for employing space age technology in the delivery of educational services.

FIFTH...

The environment also demands our attention. Agriculture, municipalities, industries...the people of Nebraska, and wildlife compete for the use of natural resources. Cooperation and compromise will be a hallmark of continuing programs to balance these competing needs.

Specifically, in the area of water management non-point source pollution holds the greatest danger to all users of water in Nebraska. The NRDs are in the forefront of monitoring and addressing the management practices necessary to reduce the level of pollution. Indeed, they serve as a national example.

FINALLY...

Property tax relief must be continued. One of the most important duties of any government is to insure that it takes from its citizens no more than is absolutely required to finance the services of government. Thanks to increased revenues resulting from our improved economy, we were able last year, through LB 84, to provide more than $100 million dollars in property tax relief to Nebraska property taxpayers.

If there is one issue on which there is near unanimous agreement in our state, it is that local property taxes are too high. It is only proper that the state should, to the extent it can, assist in easing the burden borne by local units of government. Therefore, I will be proposing again this year, the legislature provide property tax relief in an amount of nearly $100 million dollars. Tax relief is possible, but it must begin with spending relief.

Spending choices are never easy. Neither are vetoes.

The drought last year caused me to be cautious about the state's economy. I vetoed $66 million of additional spending in light of that harsh reality.

There are signs that growth in our nation's economy is slowing down. Those signs are also evident in the tax receipts of states in our own region.

We in Nebraska must carefully balance a recovering economy with fiscal responsibility. In that regard you acted with commendable responsibility during the November special session in moving to protect our school districts, our cities and villages, our counties and other local governments from the threatened loss of millions of dollars in property tax revenue growing out of congressional action and decisions by federal and state courts. Together with Senator Warner's LB 7, the measures proposed offered a practical solution to this dilemma.

As you know, my expanded Response Team has been examining the constitutional questions surrounding the personal property tax.

The enlarged group is chaired by Attorney General Robert Spire. I pledge my cooperation as they fashion solutions that will pass final constitutional muster.

In connection with your consideration of property tax legislation, you will be dealing with the recommendations of the School Finance Review Commission. While I have some reservations about the Commission's proposals, I will follow the debate and discussion closely. If there is to be a shift from the property tax base to sales and/or income taxes, Nebraskans expect the absolute assurance that change will not increase taxes.

As we look ahead toward the 21st century, we can foresee expanded horizons for growth and development in Nebraska. We can envision changes that will come with increasing swiftness. The future will be filled with challenges and bright with promise.

And in that vision, there is one constant that sustains and supports us...the quality of life which is uniquely ours.

My own view is that our clean air, our rivers and lakes, and a wealth of recreational opportunities are very important to our quality of life. Our good schools, high literacy rate, affordable living costs, and the cultural opportunities to enjoy add much to long and healthy living in Nebraska.

But I think the essence of the quality of life is in our neighbors, our families, our friends. It is in the strength of the character of our people, in the willingness to work to achieve our visions. Nebraska's greatness today results from people not being guaranteed success, but from people having been given the opportunity for success.

Nebraskans have put their trust in you and their trust in me to do what is right. The key is knowing how much is right, and how much is enough. There is a serenity prayer which asks God: "Grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference."

In much the same way those of us entrusted with government leadership need to know what is necessary to provide, and what is not...and we need to have the wisdom to know the difference.

The 29th chapter of the Book of Proverbs reminds us: "Where there is no vision, the people perish."

Let us trust one another. Let us seek together the inspiration, the openness, and the vision for a brighter future.

Our tomorrows will be decided by the courage and determination of all Nebraskans. Together those of us who have been elected by the people to serve can help bring their vision to reality.

You have my every good wish for a successful and productive session. May your deliberations be blessed by the Almighty.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1049. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the Nebraska Bingo Act; to amend section 9-257, Revised Statutes Supplement, 1989; to change provisions relating to the use of gross receipts from a bingo occasion; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Weihing, 48th District; Elmer, 38th District; Baack, 47th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650, Revised Statutes Supplement, 1988; to change a provision relating to exceeding the tax levy limit; to state intent; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

Standing Committee amendment, AM0800, found in the Journal on page 1111 for the Forty-Fifth Day, First Session, 1989, was considered.

Mr. Withem renewed his pending amendment, AM1251, found in the Journal on page 1556, First Session, 1989, to the pending Standing Committee amendment.

The Withem amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Lamb offered the following amendment to the pending Standing Committee amendment:
AM2066

(Amendments to Standing Committee amendments, AM0800)

1. On page 1, line 2, strike “sections” and insert “section”.
2. Strike sections 23 and 24.
3. Strike beginning with “1994” on page 5, line 24, through “act” on page 6, line 1, and insert “1991”.

4. On page 6, line 7; and page 8, lines 7 and 9, strike "28" and insert "26".

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Barrett
Beck
Byars
Coordsen
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Korshoj
Labedz
Lamb
Langford
Moore
Peterson
Pirsch
Robak
Schellpeper
Schmit
Scofield
Smith
Warner

Voting in the negative, 23:

Ashford
Baack
Bernard-Stevens
Chambers
Chizek
Conway
Crosby
Goodrich
Hall
Hannibal
Hartnett
Kristensen
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Schimek
Wehrbein
Weihing
Wesely
Withem

Excused and not voting, 4:

Abboud
Beyer
Dierks
Rogers

The Lamb amendment lost with 22 ayes, 23 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment to the pending Standing Committee amendment:

AM2091

(Amendments to Standing Committee amendments, AM0800)

1. On page 1, line 3, strike "On" and insert "(1) Except as provided in subsection (2) of this section, on"; and in line 10 strike "(1)" and insert "(a)".

2. On page 2, line 5, strike "(2)" and insert "(b)"; in line 16 strike "(a)" and insert "(i)"; and in line 21 strike "(b)" and insert "(ii)".

3. On page 3, after line 1 insert:

"(2) The affiliated school system tax levy established pursuant to subsection (1) of this section shall not apply to a Class VI school district or a Class I school district, or portion thereof, which is affiliated with a Class VI school district. A Class I school district affiliating in whole or in part with a Class VI school district shall pay a high school levy as provided in section 18 of this act."; and in line 6 after "system" insert "except that the provisions of this section shall not apply to the facilities, programs, and services of Class I school districts, or portions thereof, which are affiliated with or a part of a Class VI school district".

4. On page 6, line 4, before "not" insert "shall" and before the period insert "and insert 'may' ".

5. On page 8, line 4, before "not" insert "shall"; and in line 5 before the period insert "and insert 'may' ".

The Schmit amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

Messrs. Kristensen and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1051. Introduced by Hartnett, 45th District; Labedz, 5th District.

A BILL FOR AN ACT relating to special education; to amend section 79-3315, Reissue Revised Statutes of Nebraska, 1943; to change the age limitation for special education provisions; to eliminate a duty of the State Department of Education; and to repeal the original section.

LEGISLATIVE BILL 1052. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to social services; to state intent; to appoint a committee of the Legislature as prescribed; to propose a study to evaluate programs of the southwest district of the Department of Social Services; to provide funding; and to declare an emergency.

LEGISLATIVE BILL 1053. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-235, 9-330, 9-350, 9-401, 9-418, 9-419, 9-420, 9-604, and 9-701, Reissue Revised Statutes of Nebraska, 1943, sections 9-207.01, 9-211, 9-227, 9-228, 9-233, 9-258, 9-309, 9-320, 9-323, 9-324, 9-329, 9-345.03, 9-356, and 9-421, Revised Statutes Supplement, 1988, and sections 9-1,101, 9-1,104, 9-201, 9-226, 9-233.01, 9-235.03, 9-244, 9-266, 9-322, 9-328, 9-329.02, 9-332, 9-340.02, 9-601, 9-620, 9-623, 9-630, 9-632, 9-639, 9-642, 9-646, and 9-653, Revised Statutes Supplement, 1989; to define and redefine terms; to change provisions relating to the Charitable Gaming Operations Fund; to change provisions relating to criminal history record information and fingerprinting; to provide for administrative fines; to provide for personal service of certain notices; to change provisions relating to license renewal; to change provisions relating to the disclosure of certain information; to change powers and duties of the department; to change procedures relating to the delivery of pickle card units, coin-operated or currency-operated devices, and the power to seal and seize contraband; to change provisions relating to hearing procedures and certain disciplinary action; to provide for qualification standards for lottery locations; to change provisions relating to the restriction on activities of an employee, agent, or spouse; to change provisions relating to conflicts of interest; to restrict lottery participation; to change provisions relating to gift enterprises; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Landis, 46th District; Weihing, 48th District; Bernard-Stevens, 42nd District; Schimek, 27th District; Nelson, 35th District; Chambers, 11th District.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326, 28-331, 28-332, 28-340, 28-342, 28-343, 28-346, and 44-1615.01, Reissue Revised Statutes of Nebraska, 1943, and section 71-148, Revised Statutes Supplement, 1988; to redefine terms; to change provisions relating to state regulation of abortions, insurance coverage of public employees, and unprofessional conduct; to harmonize provisions; to eliminate provisions relating to legislative intent, the prohibition on performing certain abortions, and parental notice of an abortion upon a minor; and to repeal the original sections and also sections 28-325, 28-329, 28-330, and 28-347, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1055. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1207 and 2-1208.01, Revised Statutes Supplement, 1989; to change the amount licensees are authorized to deduct from parimutuel wagers as prescribed; to change the tax and the credit against such tax on parimutuel wagers as prescribed; to repeal the original sections: and to declare an emergency.

LEGISLATIVE BILL 1056. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Bernard-Stevens, 42nd District; Conway, 17th District; Coordsen, 32nd District; Korshoj, 16th District; Robak, 22nd District.

A BILL FOR AN ACT relating to the Nebraska Building Energy Conservation Standard; to amend sections 81-1609, 81-1611, 81-1612, 81-1613, 81-1615, 81-1617, 81-1618, 81-1620, 81-1622, and 81-1625, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to eliminate the Building Energy Conservation Standards Board; to change a provision relating to certain manuals made available by the State Energy Office: to eliminate an exemption from the standard as prescribed: to authorize the State Energy Office to prescribe a fee schedule: to change a provision relating to the duties of a prime contractor: to change a provision relating to inspections and compliance with the standard; to eliminate certain procedures for insuring compliance with the standard; to harmonize provisions; and to repeal the original sections; and also sections 81-1610 and 81-1616, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARING

Judiciary

LB 880	Wednesday, January 17, 1990	1:30 p.m.
LB 942	Wednesday, January 17, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 9, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Shannon M. - Lincoln	O'Hara & Associates, Inc. (Withdrawn 89/08/15)
Ball, Charles E. - Lincoln	Nebraska Cattlemen
Barrett, Michael S. - Lincoln	Nebraska Cooperative Council
Baum Jr., Richard H. - Lincoln	Nebraska School Improvement Association
Binder, Tom - Tucson, AZ	United Technologies/Hamilton Test Systems, Inc.
Bones, Amy S. - Omaha	Services for Children, Inc.
Burnside, Joseph E. - Washington,DC	National Rifle Association
Crosby,Guenzel,Davis,Kessner & Kuester	
Crosby,Robert B.-Lincoln	Nebraska Association of Retired Federal Employees
Cutshall Bruce A.-Lincoln	Board of Trustees of Nebraska State College System
	Nebraska Hospital Association (Withdrawn 89/12/22)
DeCamp, John - Lincoln	Chef Reddy Foods, Inc. (Withdrawn 89/10/31)
	Daniel G. Dolan (Withdrawn 89/12/31)
	Drexel, Burnham and Lambert (Withdrawn 89/12/31)
	Nebraskans for Better Roads (Withdrawn 89/12/31)
	Smokeless Tobacco Council, Inc. (Withdrawn 89/12/31)
Erickson & Sederstrom, PC Thone, Charles - Lincoln	Nebraska School Improvement Association

	Committee for Responsibility in Taxation for Public Education
Galloway, Douglas W. - Topeka, KS (Withdrawn 89/12/15)	United Telephone Company of the West
Goldberg, Gary S. - Kearney	American Corn Growers Association
Grabenstein-Chandler, Jane - Lincoln	Gil Grady & Associates (Withdrawn 89/06/01)
Grabenstein-Chandler, Jane - Lincoln	O'Hara & Associates
Harding, Mary A. - Lincoln	Citizens Action
	Citizens CBA Action Council (Withdrawn 89/06/15)
Jensen Associates - Lincoln	Mental Health Association of Nebraska
	Nebraska Association of Homes for the Aging
	Nebraska Association of Nurse Anesthetists
	Nebraska Cosmetology Association
	The Sierra Club - Nebraska Chapter
Jensen, Ronald L. - Lincoln	Jensen Associates
Jensen, Ronald L.	Nebr. Association of Homes for the Aging (Withdrawn 90/01/03)
	The Sierra Club - Nebraska Chapter (Withdrawn 90/01/03)
Kennedy, Barry L. - Lincoln	Nebraska Chamber of Commerce & Industry
Kunz, David N. - Lincoln	Nebraska Optometric Association (Withdrawn 89/11/01)
	Nebraska State Association of Life Underwriters (Withdrawn 89/11/01)
Maresh, Richard - Geneva	Nebraska State Grange
McBride, David S. - Lincoln	Nebraska Optometric Association
	Nebraska State Assn. of Life Underwriters
Moody, Randall - Lincoln	Nebraska Voters for Choice
Mueller, William J. - Lincoln	Cable Service Group
	Call Interactive
	Kansas-Nebraska League of Savings Institutions
	Nebraska Academy of Ophthalmology
	WATS Marketing Group
Oberg, Jon H. - Lincoln	Assn. of Independent Colleges & Universities of NE (Withdrawn 89/06/30)
O'Hara & Associates	

O'Hara, Paul V. - Lincoln	Bethphage Mission, Inc. (Withdrawn 89/11/01) Catholic Health Corp. Martin Luther Home, Inc. (Withdrawn 89/11/01) NE Association of Private Resources Nebraskan's for Equity in Higher Education (Withdrawn 89/12/31) Omahans for Common Sense Planning (Withdrawn 89/06/01) United Technologies/Hamilton Test Systems, Inc. (Withdrawn 89/10/01)
Pappas, Amy - Lincoln	James E. Pappas
Pappas, James E. - Lincoln	Cutshall, Bruce A. (Withdrawn 89/12/20)
Parker, David R. - Lincoln	Northern Nebraska Rail Preservation Association, Inc.
Poppert, Glenn Lee - Lincoln	Nebraska Cattlemen
Radcliffe, Walter H. - Lincoln	Midwest Capital Group, Inc. (Withdrawn 90/01/06) Native American Rights Fund (Withdrawn 90/01/06) Smokeless Tobacco Council, Inc. The Tobacco Institute (Withdrawn 90/01/06)
Rasmussen, Dennis - Lincoln	Nebraska Land Improvement Contractors Assoc. (Withdrawn 90/01/01) Philip Morris U.S.A.
Rockey, Brian - Lincoln	Nebraska Democratic Party
Ruth, Larry L. - Lincoln	Cable Services Group Call Interactive Kansas-Nebraska League of Savings Institutions Nebraska Academy of Ophthalmology WATS Marketing Group
Ryan, James E. - Lincoln	Donald D. Adams (Withdrawn 89/10/30)
Semerad, Mark F. - Omaha	ConAgra, Inc.
Skochdopole, R. A. - Omaha	Natural Gas Pipeline Company of America
Suttle, Deborah S. - Omaha	Nebraska PTA (Withdrawn 89/10/30)
Turner, James R. - Topeka, KS	Kansas-Nebraska League of Savings Institutions
Vickers, Tom - Lincoln	Nebraska Historical Society
Vodvarka, Dan - Lincoln	Nebraska Society of Certified Public Accountants
Vodvarka, Dan - Lincoln (Withdrawn 89/12/31)	Nebraska Chamber of Commerce & Industry

GENERAL FILE

LEGISLATIVE BILL 259. The pending Standing Committee amendment, AM0800, found in the Journal on page 1111 for the Forty-Fifth Day, First Session, 1989, and considered in this day's Journal, was renewed.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Withem renewed his pending amendment, AM2060, found in the Journal on page 159.

PRESIDENT NICHOL PRESIDING

The Withem amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Withem renewed his pending amendment, AM2058, found in the Journal on page 162.

The Withem amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford
Beyer
Chambers
Chizek
Conway
Crosby
Elmer
Goodrich
Hall
Hannibal
Hartnett
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Pirsch
Schellpeper
Schimek
Schmit
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 9:

Beck
Coordsen
Johnson, L.
Johnson, R.
Lamb
Langford
Scofield
Smith
Warner

Present and not voting, 8:

Baack
Barrett
Bernard-Stevens
Byars
Haberman
McFarland
Peterson
Robak

Excused and not voting, 4:

Abboud
Dierks
Hefner
Rogers

Advanced to E & R for review with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 259A. Title read. Considered.

Mr. Withem renewed his pending amendment, AM2065, found in the Journal on page 164.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 747. Title read. Considered.

Standing Committee amendment, AM0781, found in the Journal on page 1093 for the Forty-Fourth Day, First Session, 1989, was considered.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved to bracket LB 747 until February 28, 1990.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1057. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to zoning; to amend sections 14-402, 15-902, 19-902, 23-114, and 23-174.01, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-801, 24-802, 24-805, 24-806, 24-807, 24-808, and 24-810.01, Reissue Revised Statutes of Nebraska, 1943; to provide for disqualification of members of judicial nominating commissions; to provide for alternate members of judicial nominating commissions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1059. Introduced by Withem, 14th District; Moore, 24th District; Baack, 47th District; Barrett, 39th District; Beck, 8th District; Bernard-Stevens, 42nd District; Beyer, 3rd District: Byars, 30th District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Crosby, 29th District; Elmer, 38th District; Hall, 7th District; Hartnett, 45th District; R. Johnson, 34th District; Korshoj, 16th District; Kristensen, 37th District; Landis, 46th District; Lindsay, 9th District; Lynch, 13th District; Morrissey, 1st District; Nelson, 35th District; Pirsch, 10th District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District; Schimek, 27th District; Scofield, 49th District; Smith, 33rd District; Wehrbein, 2nd District; Weihing, 48th District.

A BILL FOR AN ACT relating to school financing; to amend sections 77-2701.02, 79-490, 79-1369, and 79-12,145, Reissue Revised Statutes of Nebraska, 1943, sections 77-678 and 77-2701.01, Revised Statutes Supplement, 1988, and sections 72-1237.01, 79-451, and 79-4,102, Revised Statutes Supplement, 1989; to adopt the Tax Equity and Educational Opportunities Support Act; to increase the income tax; to increase the sales tax; to eliminate the School Foundation and Equalization Act; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 79-1332, 79-1332.01, 79-1333.01, 79-1334, 79-1336 to 79-1344.01, and 79-1368, Reissue Revised Statutes of Nebraska, 1943, sections 79-1335 and 79-1344.03, Revised Statutes Supplement, 1988, and sections 79-1330, 79-1333, 79-1333.02, and 79-1344.02, Revised Statutes Supplement, 1989; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1014 through 1048 and LR 236.

LB	Committee
1014	Education
1015	Revenue
1016	Banking, Commerce & Insurance
1017	Banking, Commerce & Insurance
1018	Judiciary
1019	Government, Military & Veterans Affairs
1020	Transportation
1021	Transportation
1022	Health & Human Services
1023	Judiciary
1024	Judiciary
1025	Natural Resources
1026	Education
1027	Banking, Commerce & Insurance
1028	Revenue
1029	Government, Military & Veterans Affairs
1030	Government, Military & Veterans Affairs
1031	Appropriations
1032	Government, Military & Veterans Affairs
1033	Education
1034	General Affairs
1035	Judiciary
1036	Revenue
1037	Education
1038	Judiciary
1039	Nebraska Retirement Systems
1040	Judiciary
1041	Natural Resources
1042	Judiciary
1043	Government, Military & Veterans Affairs
1044	Urban Affairs

1045	Banking, Commerce & Insurance
1046	Health & Human Services
1047	Health & Human Services
1048	Government, Military & Veterans Affairs

LR	**Committee**
236	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 845. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as co-introducer to LB 972 and LB 973. No objections. So ordered.

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 993. No objections. So ordered.

Mr. Kristensen asked unanimous consent to have his name added as co-introducer to LB 1035. No objections. So ordered.

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 1026. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the adoption of the Committee amendment to LB 259.

(Signed) Doug Kristensen

RECESS

At 11:57 a.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Rogers who were excused; and Messrs. R. Johnson, Landis, McFarland, Schellpeper, Schmit, and Mrs. Pirsch who were excused until they arrive.

NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance

LB 981	Tuesday, January 16, 1990	1:30 p.m.
LB 982	Tuesday, January 16, 1990	1:30 p.m.
LB 983	Tuesday, January 16, 1990	1:30 p.m.
LB 984	Tuesday, January 16, 1990	1:30 p.m.
LB 1008	Tuesday, January 16, 1990	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 747. The pending Moore motion to bracket until February 28, 1990, was renewed.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Hall requested a roll call vote on the Moore motion to bracket.

Voting in the affirmative, 25:

Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Langford
Moore
Morrissey
Nelson
Peterson
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 16:

Abboud
Ashford
Baack
Beck
Chambers
Chizek
Conway
Hall
Korshoj
Labedz
Landis
Lindsay
Lynch
Robak
Wesely
Withem

Present and not voting, 2:

Barrett
Goodrich

Excused and not voting, 6:

Dierks
Hartnett
McFarland
Pirsch
Rogers
Schmit

The Moore motion to bracket prevailed with 25 ayes, 16 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1060. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to fuels; to amend section 66-1308, Revised Statutes Supplement, 1988; to provide for a refund of certain taxes; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Education

LB 845	Tuesday, January 16, 1990	1:30 p.m.
LB 935	Tuesday, January 16, 1990	1:30 p.m.
LB 1014	Tuesday, January 16, 1990	1:30 p.m.
LB 843	Monday, January 22, 1990	1:30 p.m.
LB 895	Monday, January 22, 1990	1:30 p.m.
LB 960	Monday, January 22, 1990	1:30 p.m.

LB 913	Tuesday, January 23, 1990	1:30 p.m.
LB 840	Monday, January 29, 1990	1:30 p.m.
LB 911	Tuesday, January 30, 1990	1:00 p.m.

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 534. Title read. Considered.

Standing Committee amendment, AM0375, found in the Journal on page 780 for the Thirtieth Day, First Session, 1989, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 601. Title read. Considered.

Standing Committee amendment, AM0374, found in the Journal on page 780 for the Thirtieth Day, First Session, 1989, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 730. Title read. Considered.

Standing Committee amendment, AM0493, found in the Journal on page 832 for the Thirty-Second Day, First Session, 1989, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 141. Title read. Considered.

Standing Committee amendment, AM0706, found in the Journal on page 1028 for the Forty-Second Day, First Session, 1989, was considered.

Mrs. Labedz and Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 17 ayes. 1 nay, and 31 not voting.

Mr. Lamb requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 23:

Abboud
Beck
Beyer
Byars
Crosby
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Lamb
Landis
Langford
Moore
Nelson
Peterson
Pirsch
Schellpeper
Schmit
Warner
Wehrbein
Wesely

Voting in the negative, 14:

Baack
Barrett
Bernard-Stevens
Chambers
Conway
Coordsen
Hall
Hartnett
Korshoj
Lindsay
McFarland
Morrissey
Robak
Weihing

Present and not voting, 7:

Johnson. R.
Kristensen
Lynch
Schimek
Scofield
Smith
Withem

Excused and not voting, 5:

Ashford
Chizek
Dierks
Labedz
Rogers

The Standing Committee amendment lost with 23 ayes, 14 nays, 7 present and not voting, and 5 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1061. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to service contracts; to amend sections 44-3504 to 44-3513, and 44-3515 to 44-3518, Reissue Revised Statutes of Nebraska, 1943, and sections 44-3501 to 44-3503, Revised Statutes Supplement, 1989; to change references to the Department of Insurance and to certificate of authority; to eliminate a definition; to change provisions relating to fees and fines; to regulate motor vehicle service contracts; to define terms; to provide for rules and regulations; to provide a penalty; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1062. Introduced by Lynch, 13th District; Bernard-Stevens, 42nd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to drug and alcohol testing; to amend sections 48-1901, 48-1902, 48-1903, 48-1906, 48-1907, 48-1908, 48-1909, and 48-1910, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to authorize drug or alcohol testing of applicants for employment; to change provisions relating to the reporting or release of test results; to provide for the observation of testing under certain circumstances as prescribed; to restrict the conduct of tests as prescribed; to require notification of testing at certain times; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to the Department of Social Services; to authorize the sale and conveyance of certain property; and to provide for the use of the income resulting from such sale.

LEGISLATIVE BILL 1064. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to radiation; to amend sections 71-3507, 71-3508.03, and 71-3515.02, Revised Statutes Supplement, 1988, and sections 71-3503 and 71-3505, Revised Statutes Supplement, 1989; to redefine terms; to change provisions relating to licensure of certain persons as prescribed; to eliminate a termination date; to provide for rules and regulations relating to certain fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1065. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943, sections 71-113 and 71-114, Revised Statutes Supplement, 1988, and sections 71-101, 71-112, and 71-162, Revised Statutes Supplement, 1989: to require permits for dental laboratories; to provide for registration of certified dental technicians; to create the Board of Examiners in Dental Technology; to provide powers and duties; to provide for fees; to create a fund; to provide for renewal and continuing education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District: Crosby, 29th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to insurance; to adopt the Health Insurance Access Act.

LEGISLATIVE BILL 1067. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District: Crosby, 29th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to state institutions; to amend section 83-186, Reissue Revised Statutes of Nebraska, 1943; to eliminate the advisory committees for the Departments of Social Services, Public Institutions, and Correctional Services; to eliminate the Older Nebraskans Act; to harmonize provisions; and to repeal the original section, and also sections 68-702.01, 68-702.02, 68-702.03, 68-1301, 68-1302, 68-1303, 68-1304, 68-1305, 68-1306, 83-101.06, and 83-101.07, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1068. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 44-2851, 71-147.02, 71-161.02, 71-168, 71-171, and 71-171.01, Reissue Revised Statutes of Nebraska, 1943, sections 71-108, 71-148, 71-150, 71-155, 71-161.03, 71-161.07, and 71-1,132.29, Revised Statutes Supplement, 1988, and section 71-101, Revised Statutes Supplement, 1989; to change provisions relating to complaints against physicians and surgeons; to provide for complaints against professionals regulated under the Uniform Licensing Law and nurses; to provide for investigations, reports, and disciplinary actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1069. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District: Crosby, 29th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool; to amend section 44-4228, Revised Statutes Supplement, 1989; to provide for coverage for persons who received medicaid assistance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1070. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District: Crosby, 29th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to the adoption of children; to amend section 43-118, Reissue Revised Statutes of Nebraska, 1943; to provide for payments to adoptive parents of children with special needs: to provide for rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to roads; to amend sections 39-1365 and 81-1201.01 to 81-1201.03, Reissue Revised Statutes of Nebraska, 1943: to state findings; to define terms; to require the Legislature to adopt master plans for road construction; to adopt economic development corridors; to require a needs study; to provide certain zoning and other powers to the Department of Roads; to rename the Department of Economic Development and the Director of Economic Development; to provide duties for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1072. Introduced by Chizek, 31st District; Morrissey, 1st District; Moore, 24th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-4111, Reissue Revised Statutes of Nebraska, 1943, and section 44-3239, Revised Statutes Supplement, 1989; to require competitive bidding for provider contracts with health maintenance organizations and preferred providers as prescribed; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1073. Introduced by Chizek, 31st District; Morrissey, 1st District.

A BILL FOR AN ACT relating to insurance; to prohibit medical benefit contracts from requiring that mail-order pharmacies be utilized and to prohibit additional copayment requirements or other conditions for failure to use mail-order pharmacies; and to provide a penalty.

LEGISLATIVE BILL 1074. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to holidays; to amend section 25-2221, Reissue Revised Statutes of Nebraska, 1943, and section 62-301, Revised Statutes Supplement, 1988; to change the observance of Memorial Day as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1075. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-320, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to permits and certain requirements for hauling in motor vehicles, trucks, trailers, and semitrailers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1076. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to public streets and sidewalks; to amend section 19-4301, Reissue Revised Statutes of Nebraska, 1943; to provide for the closing of a street or sidewalk under certain conditions as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1077. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to bridges; to prohibit recovery of damages arising from exceeding posted weight or load limits; and to provide duties for the Revisor of Statutes.

GENERAL FILE

LEGISLATIVE BILL 141. Mr. Moore moved to indefinitely postpone.

Laid over.

ANNOUNCEMENT

Ms. Schimek designates LB 514 as her priority bill.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 851	Tuesday, January 16, 1990	1:30 p.m.
LB 908	Tuesday, January 16, 1990	1:30 p.m.
LB 957	Tuesday, January 16, 1990	1:30 p.m.
LB 964	Tuesday, January 16, 1990	1:30 p.m.
LB 966	Tuesday, January 16, 1990	1:30 p.m.
LB 968	Tuesday, January 16, 1990	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Agriculture

LB 856	Tuesday, January 16, 1990	1:30 p.m.
LB 1004	Tuesday, January 16, 1990	1:30 p.m.
LB 1005	Tuesday, January 16, 1990	1:30 p.m.

(Signed) Rod Johnson, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1078. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to international trade; to state intent and findings; to establish the Export Trade Assistance Program; to provide eligibility criteria; to provide for rules and regulations; and to create a fund and provide for its use.

LEGISLATIVE BILL 1079. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-604 and 77-1249, Reissue Revised Statutes of Nebraska, 1943, sections 77-802 and 77-1229, Revised Statutes Supplement, 1988, section 77-1342, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989, and section 77-202, Revised Statutes Supplement, 1988, as amended by section 2, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989; to state and eliminate intent; to define terms; to authorize a uniform property tax exemption on taxable personal property as prescribed; to provide a procedure; to provide for rules and regulations; to eliminate certain personal property tax exemptions; to require certain reports from railroad, car, and other companies, firms, corporations, and individuals as prescribed; to provide for the assessment of a tax levy on railroad car line property as prescribed; to provide procedures for collection; to provide for enforcement; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 77-202.46, Reissue Revised Statutes of Nebraska, 1943, and section 1, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 187A in the Journal. No objections. So ordered.

AM2001

(Amendments to Final Reading Second Copy)

1. Strike the original sections and insert the following new sections:

“Section 1. There is hereby appropriated (1) $562,275 from the General Fund for the period July 1, 1990, to June 30, 1991, and (2) $1,191,880 from the General Fund for the period July 1, 1991, to June 30, 1992, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $72,004 for the period July 1, 1990. to June 30, 1991, or $845,904 for the period July 1, 1991, to June 30, 1992.

Sec. 2. There is hereby appropriated $7,200,000 from the General Fund for the period July 1, 1991, to June 30, 1992, to the Department of Social Services, for Program 349, to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Strike beginning with "medical" on page 1, line 1, through page 2, line 4, and insert "appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, Second Session, 1990.".

Mr. Lindsay asked unanimous consent to print the following amendment to LR 8CA in the Journal. No objections. So ordered.

AM2097

1. On page 1, strike beginning with "I" in line 2 through line 4 and all amendments thereto and insert "V, sections 2, 4, and 21."; and in line 6 strike "FIRST" and insert "SECOND".

2. Strike sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article V, sections 2, 4, and 21, which is hereby proposed by the Legislature:

CV-2 'The Supreme Court shall consist of ~~seven~~ nine judges, one of whom shall be the Chief Justice. A majority of the judges sitting en banc shall be necessary to constitute a quorum. A majority of the members sitting en banc or in division shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of ~~five~~ seven judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Supreme Court shall have the power, under such rules and regulations as it may adopt and promulgate, to sit in divisions of at least three judges each. Each division shall have full power to hear and adjudge all cases that may be assigned to it except cases involving the constitutionality of a statute. If the judges composing any division differ as to the judgment to be rendered in any cause, or if any judge of a division within a time and in a manner to be fixed by the rules and regulations of the court certifies that in his or her opinion that any decision of any division of the court is in conflict with any prior decision of the court or of any division thereof, the cause shall then be considered and adjudged by the full court or a quorum thereof. ~~The Legislature may provide that any Judge of the Supreme Court who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court to act as associate judges of the Supreme Court, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court are so acting the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court so appointed shall serve during the pleasure of the court, and shall have all the powers of judges of the Supreme Court.~~ The Chief Justice shall make assignments of judges to the divisions of the court~~,~~ and shall preside over the division of which he or she is a member~~,~~ and shall designate ~~the~~ a presiding judge ~~of the~~ for each. other division. ~~The judges of the Supreme Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute, and all appeals from conviction of homicide; and may review any decision rendered by a division of the court. In such cases, in~~ In the event of the disability or disqualification by interest or otherwise~~;~~ of any of the ~~judges~~ Judges of the Supreme Court, the court may appoint judges of the district court or retired Judges of the Supreme Court to sit temporarily as ~~judges~~ Judges of the Supreme Court, sufficient to constitute a full court of ~~seven~~ nine judges. The Legislature may provide that any Judge of the Supreme Court who has retired may be called upon for temporary duty by the Supreme Court. Judges of the district court shall receive no additional salary by virtue of their appointment and service as herein provided~~;~~ but ~~they~~ shall be reimbursed their actual and necessary ~~traveling and hotel~~ expenses. Until the additional judges take office and the Supreme Court consists of nine judges, the provisions of this section as they existed prior to this amendment shall remain in effect.'

CV-4 'The Chief Justice and two of the Judges of the Supreme Court shall be selected at large and six shall be selected by judicial district as provided in this Article V. They shall reside at the place where the court is located but no Justice or Judge of the Supreme Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected.'

CV-21 '(1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor ~~shall fail~~ fails to make an appointment from the list within sixty days from the date it is presented to him or her. the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court or district court or such other court or courts as the Legislature shall provide shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide, except ~~; PROVIDED,~~ that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification, shall be deemed to have been selected and to have once received the approval of the electorate as herein provided~~;~~ and shall be required to submit his or her right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed~~;~~ and every six years thereafter. In the case of the Chief Justice of the Supreme Court and those Judges of the Supreme Court selected at large, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice and those selected at large, and any judge of the district court or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and the Judges of the Supreme Court selected at large and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman~~ chairperson, but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall

designate four of their number to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said~~ the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his or her nomination or for such additional period as the Legislature shall provide. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

'A constitutional amendment to increase the number of Judges of the Supreme Court, to authorize divisions of the Supreme Court, to provide for and eliminate provisions relating to temporary duty on the Supreme Court, to provide for selection of the new judges, and to harmonize provisions.

For

Against'.".

Mr. Lynch asked unanimous consent to print the following amendment to LB 187 in the Journal. No objections. So ordered.

AM2000

(Amendments to Final Reading copy)

1. Strike original section 4.

2. On page 1, line 2; and page 15, line 9, strike “68-128,”.

3. On page 3, line 17; page 4, line 10; page 12, line 10; and page 13, line 8, strike “7 to 13” and insert “6 to 12”.

4. On page 5, line 1, strike “8” and insert “7”.

5. On page 5, line 17; and page 13, line 10, strike “1990” and insert “1991”.

6. On page 13, line 14, strike “twelve million” and insert “seven million two hundred thousand”.

7. On page 15, line 4, strike “11, 13, 14, and 16” and insert “10, 12, 13, and 15”; and in line 5 strike “1990” and insert “1991”.

8. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Senator Schellpeper’s sister-in-law, Vivian Gardels, and nieces, Ann and Barb, from Norfolk.

ADJOURNMENT

At 3:37 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Wednesday, January 10, 1990.

Patrick J. O’Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 10, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 10, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Dale Holt, Grace Lutheran Church, Walton, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford and Warner who were excused; and Messrs. Baack, Bernard-Stevens, Chizek, Conway, Goodrich, Hall, Hartnett, Kristensen, McFarland, Moore, Rogers, Schmit, Withem, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

REPORT

Report forms summarizing the status of interim studies, as submitted pursuant to Rule 4, Section 3(g), are on file in the Clerk's Office, Room 2018. Committees filing these reports are as follows: Agriculture, Appropriations, Banking, Commerce and Insurance, Business and Labor, Education, General Affairs, Government, Military and Veterans Affairs, Health and Human Services, Revenue, Rules, Select Committee on Prison Overcrowding, Special Committee on Legislative Efficiency, and Transportation.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Upper Republican	
Terry Savage, Attorney	585.00

RESOLUTION

LEGISLATIVE RESOLUTION 231. Read. Considered.

Mr. Hefner renewed his pending amendment, FA306, found in the Journal on Page 157.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

The Hefner amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Moore offered the following amendment:
FA309
to amend Section 2 after "Be it resolved", insert "Beginning in 1991" before "That the Legislature..."

Messrs. Chizek and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Moore amendment lost with 2 ayes, 13 nays, 26 present and not voting, and 8 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Chambers requested a roll call vote on the adoption of LR 231.

Voting in the affirmative, 22:

Abboud
Beck
Beyer
Byars
Crosby
Dierks
Hefner
Johnson, L.
Johnson, R.
Korshoj
Langford
Lynch
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Scofield
Weihing
Wesely

Voting in the negative, 12:

Baack
Barrett
Conway
Goodrich
Hall
Hartnett
Landis
Lindsay
McFarland
Moore
Pirsch
Wehrbein

Present and not voting, 7:

Bernard-Stevens
Chambers
Coordsen
Haberman
Hannibal
Kristensen
Smith

Excused and not voting, 8:

Ashford
Chizek
Elmer
Labedz
Lamb
Schmit
Warner
Withem

LR 231 was adopted with 22 ayes, 12 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 906	Wednesday, January 17, 1990	1:30 p.m.
LB 907	Wednesday, January 17, 1990	1:30 p.m.
LB 1013	Wednesday, January 17, 1990	1:30 p.m.

Governor Reappointment Wednesday, January 17, 1990 1:30 p.m.
Lawrence R. Myers - Nebraska Power Review Board

LB 842	Thursday, January 18, 1990	1:30 p.m.
LB 892	Thursday, January 18, 1990	1:30 p.m.
LB 940	Thursday, January 18, 1990	1:30 p.m.
LB 941	Thursday, January 18, 1990	1:30 p.m.
LB 848	Friday, January 19, 1990	1:30 p.m.
LB 922	Friday, January 19, 1990	1:30 p.m.
LB 950	Friday, January 19, 1990	1:30 p.m.

Governor Reappointment Friday, January 19, 1990 1:30 p.m.
James (Sonny) Eatmon - Oil & Gas Conservation Commission

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1080. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to health care; to amend sections 71-2052. 71-6038, and 71-6039, Revised Statutes Supplement, 1988, and section 71-2017.01, Revised Statutes Supplement, 1989; to provide for waiver of staffing requirements for skilled nursing facilities as prescribed; to change provisions for courses of instruction for care staff members and nursing assistants; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Elmer, 38th District; Smith. 33rd District.

A BILL FOR AN ACT relating to political subdivisions; to provide for entry upon property for acquiring data for purposes of condemnation: and to provide for damages.

LEGISLATIVE BILL 1082. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704. Revised Statutes Supplement, 1989; to exempt the purchases of natural resources districts from sales and use tax; and to repeal the original section.

LEGISLATIVE BILL 1083. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1407.03 to 60-1407.05, Reissue Revised Statutes of Nebraska, 1943, and section 60-1401.02, Revised Statutes Supplement, 1989; to redefine a term; to change provisions for special permits for the display of motor vehicles at certain locations; and to repeal the original sections.

LEGISLATIVE BILL 1084. Introduced by Wesely, 26th District; Schimek, 27th District.

A BILL FOR AN ACT relating to counties; to amend section 23-151, Reissue Revised Statutes of Nebraska, 1943, and section 5-108, Revised Statutes Supplement, 1989; to change provisions relating to certain counties nominating and electing members of governing bodies as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Lynch, 13th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to caregivers; to enact the Caregivers Assistance Program Act.

LEGISLATIVE BILL 1086. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to the Nebraska Public Transportation Act of 1975; to amend section 13-1208, Reissue Revised Statutes of Nebraska, 1943; to permit a municipality or county to contract for use of school buses in certain situations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to appointment of a county highway superintendent in certain counties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1088. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to adopt the Foreign and Domestic Trade Assistance Act.

LEGISLATIVE BILL 1089. Introduced by Wehrbein, 2nd District.

A BILL FOR AN ACT relating to the practice of chiropractic; to amend section 71-178, Revised Statutes Supplement, 1989; to provide an exception to the practice of chiropractic; and to repeal the original section.

LEGISLATIVE BILL 1090. Introduced by Education Committee: Withem, 14th District, Chairperson; Baack, 47th District; Bernard-Stevens, 42nd District; Chizek, 31st District; Crosby, 29th District; McFarland, 28th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to amend sections 77-913, 79-312, 79-330, 79-408.03, 79-458, 79-470, 79-504, 79-601, 79-1001.01, 79-1006, 79-1303, 79-1304, 79-1307, 79-1415, 79-1416, 79-1418 to 79-1423, 79-1428, 79-1429, 79-2210.02, 79-2210.03, and 79-3345, Reissue Revised Statutes of Nebraska, 1943, section 79-802, Revised Statutes Supplement, 1988, and sections 79-426.05, 79-451, 79-701, 79-1247.05, 79-1302, 79-1306, and 79-1331, Revised Statutes Supplement, 1989; to change disbursement provisions of the Insurance Tax Fund; to change provisions relating to the enumeration of children for the school census and certain reports; to provide for the filing of a report as prescribed; to provide for temporary certificates for teachers and administrators as prescribed; to provide for the distribution of school funds to school districts as prescribed; to provide for the Adult Education Division of the State Department of Education; to change provisions relating to vocational education; to change times for publication of budgets for educational service units; to eliminate a requirement of publication of a report; to change review requirements of special education programs; to eliminate provisions relating to the Adult Immigrant Educational Division, apportionment of school funds, payments to districts, and a report by the State Board of Vocational Education; to harmonize provisions; and to repeal the original sections, and also sections 79-471, 79-1368, 79-1417, and 79-1435, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 567A in the Journal. No objections. So ordered.

AM2049

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $204,852 from the General Fund for FY1990-91 and (2) $524,900 from the General Fund for FY1991-92, to the State Department of Education, for Program 508, to aid in carrying out the provisions of Legislative Bill 567, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $43,768 for FY1990-91 or $46,101 for FY1991-92.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 610 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM1978.)

MOTION - Reconsider Action on LR 231

Mr. Chambers moved to reconsider the vote on LR 231.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to reconsider lost with 15 ayes, 14 nays, 13 present and not voting, and 7 excused and not voting.

MOTION - Suspend Rules

Mr. R. Johnson moved to suspend the rules, Rule 3, Section 13 to permit cancellation of the public hearing on LB 1004.

The R. Johnson motion prevailed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING

Agriculture

LB 1004	Tuesday, January 16, 1990 (cancelled)	1:30 p.m.
LB 1004	Tuesday, January 23, 1990 (reset)	1:30 p.m.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 818. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 819. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 820. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 821. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 822. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 823. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 824. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 825. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 826. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 827. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 828. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 829. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1091. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-416 and 29-2262, Reissue Revised Statutes of Nebraska, 1943; to prohibit delivery of certain substances to minors as prescribed; to prohibit use of minors to perform certain acts related to certain substances as prescribed; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1092. Introduced by Coordsen, 32nd District; Byars, 30th District; Morrissey, 1st District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the University of Nebraska Institute of Agriculture and Natural Resources to study the chinch bug problem.

LEGISLATIVE BILL 1093. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-1001 and 14-1103.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the territory included in a metropolitan water district; to provide restrictions on the extension or enlargement of the service area of metropolitan water districts and metropolitan utilities districts; to restrict the powers of condemnation; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to installment loans; to amend section 45-139, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to insurance in connection with loan contracts; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to grandparent visitation; to amend sections 43-1801, 43-1802, and 43-1803, Reissue Revised Statutes of Nebraska, 1943; to limit an exclusion as prescribed; to provide an additional circumstance for petitioning for visitation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 163A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, Ninety-first Legislature, Second Session, 1990.

RESOLUTION

LEGISLATIVE RESOLUTION 237CA. Introduced by Wesely, 26th District; Chambers, 11th District; Chizek, 31st District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article V, section 21.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article V, section 21, which is hereby proposed by the Legislature:

CV-21 "(1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him or her by the appropriate judicial nominating commission. If the Governor ~~shall fail~~ fails to make an appointment from the list within sixty days from the date it is presented to him or her, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list. Such appointments shall be subject to the approval of a majority of the members of the Legislature if the Legislature is in session. If the Legislature is not in session, the appointment shall be considered temporary until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment. No person after being rejected by the Legislature shall be again nominated for the same office at the same session unless at the request of the Legislature, and no person after being rejected by the Legislature shall be appointed to the same office during the recess or adjournment of the Legislature.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court or district court or such other court or courts as the Legislature shall provide shall have his or her right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide, except ~~; PROVIDED,~~ that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election

or appointment, upon qualification, shall be deemed to have been selected and to have once received the approval of the electorate as ~~herein~~ provided~~,~~ in this section and shall be required to submit his or her right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed~~,~~ and every six years thereafter. In the case of the Chief Justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice, and any judge of the district court or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as ~~chairman,~~ chairperson but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of ~~said~~ the commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of ~~said~~ the commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his or her nomination or for such additional period as the Legislature shall provide. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his or her name submitted to the Governor.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for legislative confirmation of judges.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Member Excused

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 37. Title read. Considered.

Standing Committee amendment, AM0289, found in the Journal on page 678 for the Twenty-Fifth Day, First Session, 1989, was considered.

Mr. R. Johnson withdrew his pending amendment, FA81, found in the Journal on page 1231, First Session, 1989.

Mr. R. Johnson renewed his pending amendment, AM1975, found in the Journal on page 113.

The R. Johnson amendment was adopted with 20 ayes, 0 nays, 22 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 37A. Title read. Considered.

Mr. R. Johnson moved to indefinitely postpone LB 37A.

The R. Johnson motion to indefinitely postpone prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Standing Committee amendment, AM0655, found in the Journal on page 1029 for the Forty-Second Day, First Session, 1989, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1096. Introduced by Beck, 8th District.

A BILL FOR AN ACT relating to drugs and alcohol; to state intent; to define terms: to prohibit drug and alcohol programs from teaching or promoting any unlawful use of drugs or alcohol; and to provide duties.

LEGISLATIVE BILL 1097. Introduced by Goodrich, 20th District; Lynch, 13th District.

A BILL FOR AN ACT relating to the Unmarked Human Burial Sites and Skeletal Remains Protection Act; to amend sections 12-1208 and 12-1209, Revised Statutes Supplement, 1989; to exempt certain burial goods from the requirement that such goods be returned as prescribed: and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 918	Wednesday, January 17, 1990	1:30 p.m.
LB 830	Wednesday, January 17, 1990	1:30 p.m.
LB 933	Wednesday, January 17, 1990	1:30 p.m.
LB 857	Wednesday, January 17, 1990	1:30 p.m.
LB 930	Wednesday, January 17, 1990	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Business and Labor

LB 974	Monday, January 22, 1990	1:30 p.m.
LB 975	Monday, January 22, 1990	1:30 p.m.

(Signed) George Coordsen, Chairperson

Nebraska Retirement Systems

LB 953	Wednesday, January 17, 1990	12:00 noon

(Signed) Rex Haberman, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 678. Placed on Select File as amended.
E & R amendment to LB 678:
AM7085

1. In the Standing Committee amendment, AM0570:

a. On page 1, line 10, after "district" insert an underscored comma; after line 12 insert: "The members of the committee shall be appointed by the Director of Social Services with the approval of a majority of the Legislature."; in line 15 after "one-third" insert ", rounded to the next higher whole number,"; and in line 21 strike "incurred in"; and

b. On page 2, strike line 1 and insert "as"; and strike beginning with "The" in line 2 through line 4.

2. On page 1, line 13, strike "a committee" and insert "committees"; and in line 14 after "provide" insert "powers and" and strike "early childhood" and insert "family day care homes".

3. On page 2, line 1, strike "programs".

4. On page 3, line 24, before “centers” insert “day care”.

5. On page 7, line 19, strike the last comma.

6. On page 11, line 16, strike “representative” and insert “representatives”; and in lines 21 and 24 strike “programs” and insert “services”.

7. On page 12, line 17, strike “of the” and insert “, rounded to the next higher whole number, of the appointed”; in line 23 after “for” insert “their” and strike “incurred in”; and strike line 24 and insert “as”.

8. On page 15, line 13, strike “an”.

9. On page 19, line 17, before “Any” insert “(4)”.

LEGISLATIVE BILL 678A. Placed on Select File as amended.
E & R amendment to LB 678A:
AM7086

1. In the Wesely amendment, AM2054, on page 1, lines 4 and 11; page 2, line 12; and page 3, line 2, strike the last comma.

2. On page 1, line 4, strike “First Session, 1989:” and insert “Second Session, 1990; and”; and strike beginning with the semicolon in line 5 through “funds” in line 6.

LEGISLATIVE BILL 720. Placed on Select File as amended.
E & R amendment to LB 720:
AM7087

1. In the Standing Committee amendments, AM0618, on page 1, line 5, strike “1993” and insert “1994”; and in line 7 strike “1989-90” and insert “1990-91”.

2. On page 1, line 4, strike “caseload”; and in line 5 strike “standards” and insert “additional staff for child welfare services”.

LEGISLATIVE BILL 720A. Placed on Select File as amended.
E & R amendment to LB 720A:
AM7088

1. On page 1, line 4, strike “First Session, 1989” and insert “Second Session, 1990”.

(Signed) John C. Lindsay, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1034 and the referral of legislative bills 1049 through 1079.

LB	Committee
1034	Revenue
1049	General Affairs
1050	Education
1051	Education
1052	Government, Military & Veterans Affairs
1053	General Affairs
1054	Judiciary
1055	Revenue
1056	Natural Resources
1057	Urban Affairs
1058	Judiciary
1059	Education/Revenue
1060	Natural Resources
1061	Banking, Commerce & Insurance
1062	Judiciary
1063	Health & Human Services
1064	Health & Human Services
1065	Health & Human Services
1066	Banking, Commerce & Insurance
1067	Health & Human Services
1068	Health & Human Services
1069	Banking, Commerce & Insurance
1070	Health & Human Services
1071	Transportation
1072	Banking, Commerce & Insurance
1073	Banking, Commerce & Insurance
1074	General Affairs
1075	Transportation
1076	Urban Affairs
1077	Transportation
1078	Banking, Commerce & Insurance
1079	Revenue

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were Mr. and Mrs. James L. Gray, Sr. from Coleridge.

RECESS

At 12:00 noon, on a motion by Mr. Dierks, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Elmer and Warner who were excused; and Messrs. Abboud, Ashford, Chizek, Goodrich, Haberman, R. Johnson, Lamb, McFarland, Moore, Rogers, Schellpeper, Schmit, Mmes. Labedz, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 742. Considered.

Messrs. Peterson, Wesely, Kristensen, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 9 nays, and 22 not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 32 ayes, 4 nays, 6 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 238. Introduced by Chambers, 11th District.

WHEREAS, on January 10, 1990, the Legislature by a vote of less than a majority of the elected members, adopted Legislative Resolution 231; and

WHEREAS, Legislative Resolution 231 directs that "the Legislature ban the use of styrofoam containers by Senators and staff of the Legislature;" and

WHEREAS, blatant violation of this directive is possible -- nay, likely; and

WHEREAS, violations should not be ignored.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Executive Board of the Legislature establish a corps of one hundred confidential informants to ferret out and inform against suspected violators of the Styrofoam Ban.

That applicants for such corps file an application with the Superintendent of the Nebraska State Patrol who shall recommend informants to the Executive Board.

That such corps of informants be known as Finders of Outlawed Legislative Styrofoam (FOOLS).

That such FOOLS receive at least eight hours of informants training from the State Patrol.

That such FOOLS inform against suspected violators to any member of the custodial staff of the Building Division, for appropriate disposition.

That all styrofoam cups in the possession of the Legislative Accounting Office be turned over to Senator Ernie Chambers, forthwith.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1098. Introduced by Schimek, 27th District; Crosby, 29th District.

A BILL FOR AN ACT relating to public building commissions; to amend sections 13-1301 and 13-1302, Reissue Revised Statutes of Nebraska, 1943; to provide for public building commissions established by cities of the primary class and counties in which such cities are located; to restate intent; to redefine terms; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 900	Wednesday, January 17, 1990	1:30 p.m.
LB 915	Wednesday, January 17, 1990	1:30 p.m.
LB 923	Wednesday, January 17, 1990	1:30 p.m.
LB 869	Wednesday, January 17, 1990	1:30 p.m.
LB 1010	Thursday, January 18, 1990	1:30 p.m.
LB 870	Thursday, January 18, 1990	1:30 p.m.
LB 994	Thursday, January 18, 1990	1:30 p.m.
LB 997	Thursday, January 18, 1990	1:30 p.m.

(Signed) Don Wesely, Chairperson

Education/Revenue

LB 1059	Tuesday, January 23, 1990	7:00 p.m.

(Signed) Ron Withem, Chairperson
(Signed) Tim Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 662. Title read. Considered.

Standing Committee amendment, AM0785, found in the Journal on page 1106 for the Forty-Fourth Day, First Session, 1989, was considered.

Mr. Wesely requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA310

1. Insert the following new section:

“Sec. 30. The Department of Correctional Services, the Department of Health, the Department of Public Institutions, the Department of Social Services, and the State Department of Education shall, by November 15, 1989, submit to the Legislature a plan for defining the roles and responsibilities for each such department in the provision of services to children and families. Such plan shall define a system of family support services and of youth mental health services and the relationship between the two systems, shall list the minimum services to be provided as part of each system, shall identify who is to provide the services, the target population for such services, and a timeline for implementation, shall list the fiscal estimates and estimate of staff required to implement such systems, and shall list statutes, rules, or regulations that need to be amended, implemented, or adopted and promulgated to effectuate such changes. The plan shall further provide for a process of disseminating information about the proposal and receiving comments, shall define the nature of the accountability of each department, and shall provide for a mechanism for conducting a continuous needs assessment and handling complaints about the system expeditiously.”.

Mr. Wesely offered the following amendment to the pending Standing Committee amendment:
FA311

by striking “1989” and inserting “1990” on pg 1 line 6.

The Wesely amendment was adopted with 21 ayes, 0 nays, 20 present and not voting, and 8 excused and not voting.

The first Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The second Standing Committee amendment is as follows:
FA312

2. On page 2, line 16, after the period

insert "The family policy objectives prescribed in sections 43-532 to 43-534 shall not be construed to mean that children shall be left in environments that are physically, developmentally, or emotionally harmful either immediately or cumulatively. While children may develop best in nurturing families, families shall not be kept together at the expense of a child's best interests and safety.".

The second Standing Committee amendment lost with 0 ayes, 13 nays, 28 present and not voting, and 8 excused and not voting.

Messrs. Ashford and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Weihing asked unanimous consent to print the following amendment to LB 692 in the Journal. No objections. So ordered.

AM0356

1. On page 2, line 5, strike "public"; and strike line 6.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 850	Wednesday, January 17, 1990	1:30 p.m.
LB 1015	Wednesday, January 17, 1990	1:30 p.m.
LB 832	Wednesday, January 17, 1990	1:30 p.m.
LR 229CA	Wednesday, January 17, 1990	1:30 p.m.
LB 952	Wednesday, January 17, 1990	1:30 p.m.
LB 881	Wednesday, January 17, 1990	1:30 p.m.
LB 965	Wednesday, January 17, 1990	1:30 p.m.
LB 1034	Thursday, January 18, 1990	1:30 p.m.
LB 1055	Thursday, January 18, 1990	1:30 p.m.
LB 861	Thursday, January 18, 1990	1:30 p.m.
LB 896	Thursday, January 18, 1990	1:30 p.m.

(Signed) Tim Hall, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 662A. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 662, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 1099. Introduced by Schmit, 23rd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to ground water; to amend section 81-1532, Reissue Revised Statutes of Nebraska, 1943; to state intent; to create a fund; to provide duties for the Department of Environmental Control, the Environmental Control Council, and natural resources districts related to enhancement and maintenance of water quality; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1100. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1203, Reissue Revised Statutes of Nebraska, 1943; to provide for the revocation and suspension of licenses and the imposition of fines; to provide for fingerprinting and criminal history record information of applicants and licensees; and to repeal the original section.

LEGISLATIVE BILL 1101. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-125, 53-126, 53-135, and 53-186, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to classes of persons ineligible to obtain a license under the act as prescribed; to change provisions relating to appointment of a registered agent as prescribed; to provide a penalty for late payment of a renewal fee and for waiver of such penalty; to change provisions relating to consumption of alcoholic liquor in vehicles as prescribed; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mrs. Beck asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2037

1. On page 2, line 6, after "requirements" insert ", and the owners and operators of such landfills should be encouraged to cooperate and work with the Department of Environmental Control to ensure that the air, land, and water of this state are not polluted".

Mrs. Beck asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2108

1. On page 9, line 1, before "There" insert "(1)": and after line 9 insert:

"(2) The money collected pursuant to subsection (1) of this section and deposited in the Waste Reduction and Recycling Incentive Fund shall be used by a political subdivision or private entity only for research and development of programs and projects which will utilize used tires in recycling, waste to energy facilities, and other alternative uses.

(3)".

Mrs. Beck asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2038

1. On page 2, line 9, after "process" insert "and because of this situation all Nebraska citizens and businesses are encouraged to implement waste reduction measures that will result in a reduction of waste entering landfills by at least twenty-five percent".

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Crosby asked unanimous consent to have her name added as co-introducer to LB 995. No objections. So ordered.

VISITORS

Visitor to the Chamber was Ken Wilcox from Ogallala.

MOTION - Adjournment

Mr. Kristensen moved to adjourn. The motion prevailed with 17 ayes, 13 nays, 12 present and not voting, and 7 excused and not voting, and at 3:24 p.m., the Legislature adjourned until 9:00 a.m., Thursday, January 11, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 11, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 11, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by The Reverend Richard Scheerer, Vine Congregational United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Hall, Landis, Lindsay, Schellpeper, Schmit, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

ANNOUNCEMENT

Mr. Weihing designates LB 1050 as his priority bill.

Mr. Hall designates LB 346 as his priority bill.

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 231. Introduced by R. Johnson, 34th District.

WHEREAS, styrofoam containers require over three hundred years to decompose in a landfill while paper containers require fifty to one hundred years to decompose; and

WHEREAS, decomposition requires water and oxygen but regulations protecting the environment restrict all but a minimum of water and oxygen from penetrating landfills to protect ground water from contamination; and

WHEREAS, styrofoam and other plastics are very light and comprise about seven percent of all garbage by weight, but they occupy over twenty percent of landfill space; and

WHEREAS, Wesleyan University and the University of Kansas are studying alternatives to the use of styrofoam on those campuses, and the University of Nebraska-Lincoln has discontinued the use of styrofoam in the Union for cold drinks and is continuing to look for alternatives to styrofoam; and

WHEREAS, University of Nebraska Professor Milford Hanna is currently conducting research to develop degradable styrofoam products.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature follow the lead of the young people who are urging an environmentally responsible change in usage of products.
2. That the Legislature ban the use of styrofoam containers by Senators and staff of the Legislature until a degradable product is marketed.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 231.

(Signed) John C. Lindsay, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following enrolled resolution: LR 231.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1043 and the referral of legislative bills 1080 through 1101 and legislative resolution 237CA.

LB	**Committee**
1043	Urban Affairs
1080	Health & Human Services
1081	Government, Military & Veterans Affairs
1082	Revenue
1083	Transportation
1084	Government, Military & Veterans Affairs
1085	Health & Human Services
1086	Education
1087	Transportation
1088	Banking, Commerce & Insurance
1089	Health & Human Services
1090	Education
1091	Judiciary
1092	Appropriations
1093	Urban Affairs
1094	Banking, Commerce & Insurance
1095	Judiciary
1096	Government, Military & Veterans Affairs
1097	Government, Military & Veterans Affairs
1098	Urban Affairs
1099	Natural Resources
1100	General Affairs
1101	General Affairs

LR	**Committee**
237CA	Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Read. Considered.

Standing Committee amendment, AM0858, found in the Journal on page 1129 for the Forty-Fifth Day, First Session, 1989, was considered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Standing Committee amendment was adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

MRS. LABEDZ PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1102. Introduced by Elmer, 38th District.

A BILL FOR AN ACT relating to corporations: to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943; to provide corporate status as prescribed: and to repeal the original section.

LEGISLATIVE BILL 1103. Introduced by Langford, 36th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-516, Reissue Revised Statutes of Nebraska, 1943; to change the penalty for unauthorized use of a propelled vehicle; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Nebraska Retirement Systems Committee: Haberman, 44th District, Chairperson; Coordsen, 32nd District; Elmer, 38th District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2305, 23-2309.01, 24-701, 24,704, 72-1237, 72-1238, 72-1243, 79-1503, 81-2019, 81-2022, 84-1305, 84-1309.01, 84-1310.01, 84-1504, 84-1505, 84-1510, and 84-1513, Reissue Revised Statutes of Nebraska, 1943, sections 79-1545, 79-1556, and 84-1503, Revised Statutes Supplement, 1988, and sections 79-1501, 81-2014, 81-2031, and 84-1301, Revised Statutes Supplement, 1989; to change provisions relating to the investment of funds of certain retirement systems; to define and redefine terms; to provide and change powers and duties; to add members to the Nebraska Investment Council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1105. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to the Nebraska State Patrolmen's Retirement System; to provide an election to repay the system upon reemployment as prescribed; to provide a duty for the Revisor of Statutes; and to provide an operative date.

LEGISLATIVE BILL 1106. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-363, 14-364, 14-536, and 14-537, Reissue Revised Statutes of Nebraska, 1943; to authorize the armor coating of streets; to change provisions relating to assessments for paving repairs, street grading, and other improvements; and to repeal the original sections.

LEGISLATIVE BILL 1107. Introduced by Government, Military and Veterans Affairs Committee: Baack, 47th District, Chairperson; Bernard-Stevens, 42nd District; Beyer, 3rd District; Conway, 17th District; Coordsen, 32nd District; Korshoj, 16th District; Robak, 22nd District; Withem, 14th District.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend sections 13-801 to 13-807, Reissue Revised Statutes of Nebraska, 1943; to provide for bonds; to provide for the construction of sections; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1108. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools; to require reports of certificated employees by school districts as prescribed.

LEGISLATIVE BILL 1109. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-906, Reissue Revised Statutes of Nebraska, 1943, and sections 79-439 and 79-1003.01, Revised Statutes Supplement, 1988; to change provisions relating to school board meetings for

Class IV and V school districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1110. Introduced by McFarland, 28th District; Schimek, 27th District.

A BILL FOR AN ACT relating to insurance; to require coverage for low-dose mammography as prescribed.

LEGISLATIVE BILL 1111. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to public health; to define terms; to provide for a statewide program of low-dose mammography; to provide powers and duties for the Department of Health; to provide for a fee; to create a fund; to require record keeping as prescribed; and to provide for rules and regulations.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 970	Thursday, January 18, 1990	1:30 p.m.
LB 1009	Thursday, January 18, 1990	1:30 p.m.
LB 893	Thursday, January 18, 1990	1:30 p.m.
LB 874	Thursday, January 18, 1990	1:30 p.m.
LR 233CA	Thursday, January 18, 1990	1:30 p.m.

(Signed) Dennis Baack, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Considered.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay renewed his pending amendment, AM2097, found in the Journal on page 245.

SPEAKER BARRETT PRESIDING

Mr. Haberman requested a ruling of the Chair on whether the Lindsay amendment is germane to the bill.

The Chair ruled the Lindsay amendment is germane to the bill.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay offered the following amendment to his pending amendment:
FA313
On page 1, line 20 after "Legislature", insert "or capital cases"
On page 2, line 12, after "statute", insert "or capital cases"

The Lindsay amendment was adopted with 23 ayes, 1 nay, 20 present and not voting, and 5 excused and not voting.

Mr. McFarland and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 0 nays, and 26 not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Lindsay amendment, as amended, lost with 5 ayes, 23 nays, 13 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA314
Page 2, line 1, strike "capital" and insert "criminal"; in lines 5 & 6, strike, "In all other cases, criminal or civil " and insert, "In all civil cases"

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, FA314.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1112. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to brain or head injuries; to define a term; to create a registry of persons with brain or head injuries; and to provide duties for the Director of Health, other state agencies, and health care facilities.

LEGISLATIVE BILL 1113. Introduced by Wesely, 26th District; Schimek, 27th District.

A BILL FOR AN ACT relating to housing; to amend sections 18-1724, 20-105 to 20-107, 20-109, 20-110, 20-112, 20-113, 20-113.01, 20-121, 20-125, 20-139, and 71-1528, Reissue Revised Statutes of Nebraska, 1943, and section 48-1116, Revised Statutes Supplement, 1989; to rename an act; to define and redefine terms; to prohibit discriminatory actions based on handicap or familial status; to provide exemptions; to provide powers, duties, and penalties; to authorize administrative proceedings and civil actions; to transfer provisions relating to local enforcement of civil rights; to change the investment powers of housing authorities; to require a comprehensive state housing plan; to eliminate provisions relating to discriminatory housing practices; to harmonize provisions; and to repeal the original sections, and also sections 20-108, 20-114, 20-115, and 20-117 to 20-120, Reissue Revised Statutes of Nebraska, 1943, and section 20-116, Revised Statutes Supplement, 1988.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Dierks asked unanimous consent to have his name added as co-introducer to LB 1051. No objections. So ordered.

VISITORS

Visitors to the Chamber were Thelma Lang from Litchfield; Allison Peck and Cami Phelps from Kearney State University; Lucile Lathrop from Ogallala; and Jim Hergert and Joseph Thibodeau.

RECESS

At 12:04 p.m., on a motion by Mr. Hefner, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Chizek, Haberman, Lynch, McFarland, Rogers, Schmit, Warner, Mmes. Labedz, Smith, and Ms. Scofield who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 878	Thursday, January 18, 1990	1:30 p.m.
LB 885	Thursday, January 18, 1990	1:30 p.m.
LB 921	Thursday, January 18, 1990	1:30 p.m.
LB 1058	Thursday, January 18, 1990	1:30 p.m.
LR 237CA	Thursday, January 18, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Messrs. Ashford and Chambers offered the following amendment:
FA315
Any appointment to the appellate court shall be subject to the approval of a majority of the members of the Legislature if the Legislature is in session. If the Legislature is not in session, the appointment shall be considered temporary until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment. No person after being rejected by the Legislature shall be again nominated for the same office at the same session unless at the request of the Legislature, and no person after being rejected by the Legislature shall be appointed to the same office during the recess or adjournment of the Legislature.

Mr. Kristensen requested a ruling of the Chair on whether the Ashford-Chambers amendment is germane to the bill.

The Chair ruled the Ashford-Chambers amendment is germane to the bill.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 18 ayes, 14 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Haberman and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers requested a record vote on the Ashford-Chambers amendment.

Voting in the affirmative, 8:

Ashford
Baack
Chambers
Conway
Goodrich
Korshoj
Nelson
Wesely

Voting in the negative, 21:

Abboud
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Langford
Pirsch
Schellpeper
Scofield
Warner
Wehrbein

Present and not voting, 18:

Barrett
Chizek
Hall
Hannibal
Hartnett
Labedz
Lindsay
Lynch
McFarland
Moore
Morrissey
Peterson
Robak
Rogers
Schimek
Schmit
Weihing
Withem

Excused and not voting, 2:

Haberman
Smith

The Ashford-Chambers amendment lost with 8 ayes, 21 nays, 18 present and not voting, and 2 excused and not voting.

Pending.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1114. Introduced by Beck, 8th District; Crosby, 29th District; Wehrbein, 2nd District; Haberman, 44th District.

A BILL FOR AN ACT relating to alcohol; to amend sections 39-669.07, 39-669.08, and 39-669.26, Reissue Revised Statutes of Nebraska, 1943, and sections 37-1254.01 and 37-1254.02, Revised Statutes Supplement, 1989; to change the amount of alcohol in a person's blood, breath, or urine necessary for such person to be under the influence of alcohol for certain purposes as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1115. Introduced by Elmer, 38th District; Haberman, 44th District; Labedz, 5th District; Smith, 33rd District; Weihing, 48th District; Conway, 17th District.

A BILL FOR AN ACT relating to property taxation; to amend sections 10-612, 15-318, 15-319, 15-733, 16-702, 21-17,126, 23-343, 23-343.01, 23-343.15, 31-411.02, 31-447, 35-505, 35-506, 35-507, 35-514, 35-531, 35-535, 39-1518, 44-2414, 46-542, 46-543, 46-544, 77-104, 77-105, 77-202.01, 77-202.02, 77-202.04, 77-202.05, 77-202.06, 77-381, 77-399, 77-415, 77-519, 77-602, 77-604, 77-1242.02, 77-1506.01, 77-1613, 77-1616, and 79-481, Reissue Revised Statutes of Nebraska, 1943, sections 77-430, 77-505, 77-506, 77-507.01, 77-508, 77-509, 77-510, 77-802, 77-1240.01, 77-1301, 77-1318, 77-1503.01, 77-1507, 77-4105, and 77-4107, Revised Statutes Supplement, 1988, sections 77-201, 77-202.03, 77-1504, and 77-1506.02, Revised Statutes Supplement, 1989, section 77-103, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 1, Ninety-first Legislature, First Special Session, 1989, section 77-202, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989, and section 77-1342, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989; to state intent; to redefine terms; to exempt personal property other than motor vehicles from taxation; to harmonize provisions; to eliminate provisions relating to levy, assessment, adjustment, and collection of taxes on personal property; to eliminate provisions for taxation of air transportation carriers; to repeal the original sections, and also sections 15-320, 77-205, 77-206, 77-406, 77-1208, 77-1210, 77-1211, 77-1212, 77-1213, 77-1214, 77-1215, 77-1216, 77-1229.01, 77-1232, 77-1233, 77-1234, 77-1236, 77-1244, 77-1245, 77-1246, 77-1247, 77-1248, 77-1249, and 77-1250, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.46, 77-409, 77-410, 77-412, 77-412.01, 77-1201, 77-1202, 77-1209, 77-1209.02, 77-1209.03, 77-1209.04, 77-1209.05, 77-1219, and 77-1229, Revised Statutes Supplement, 1988, section 77-1249.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989, and sections 77-631.02, 77-631.03, and 77-631.04, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5, 6, and 7, respectively, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989; and to declare an emergency.

LEGISLATIVE BILL 1116. Introduced by Korshoj, 16th District.

A BILL FOR AN ACT relating to divorce; to amend section 42-351, Reissue Revised Statutes of Nebraska, 1943; to authorize a court to award federal and state income tax exemptions upon application of a party and hearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1117. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-818, Reissue Revised Statutes of Nebraska, 1943; to require adjustments in rates of pay and conditions of employment as prescribed; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Health and Human Services

LB 1068	Friday, January 19, 1990	1:30 p.m.
LB 1064	Friday, January 19, 1990	1:30 p.m.

LB 1063	Friday, January 19, 1990	1:30 p.m.
LB 1070	Friday, January 19, 1990	1:30 p.m.
LB 1022	Friday, January 19, 1990	1:30 p.m.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Mr. Chambers offered the following amendment:
FA316
P. 2, line 1, after "~~appeal~~", insert, "cases of felony and"

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Ashford
Baack
Chambers
Hall
Hartnett
Korshoj
Labedz
Morrissey
Schimek
Weihing
Wesely

Voting in the negative, 27:

Abboud
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Langford
McFarland
Moore
Pirsch
Rogers
Schellpeper
Scofield
Warner
Wehrbein
Withem

Present and not voting, 7:

Chizek
Goodrich
Hannibal
Lindsay
Lynch
Peterson
Robak

Absent and not voting, 1:

Schmit

Excused and not voting, 3:

Haberman
Nelson
Smith

The Chambers amendment lost with 11 ayes, 27 nays, 7 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Chizek, Wesely, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA317
Page 2, line 1, strike "capital" & insert, "all homicide"

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 1 nays, and 33 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 11:

Ashford
Baack
Bernard-Stevens
Chambers
Hall
Hartnett
Korshoj
Morrissey
Nelson
Weihing
Withem

Voting in the negative, 24:

Abboud
Barrett
Beck
Beyer
Coordsen
Crosby
Elmer
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Moore
Peterson
Pirsch
Robak
Schellpeper
Scofield
Warner
Wehrbein

Present and not voting, 9:

Byars
Conway
Dierks
Goodrich
Hannibal
Lynch
Rogers
Schimek
Schmit

Excused and not voting, 5:

Chizek
Haberman
Landis
Smith
Wesely

The Chambers amendment lost with 11 ayes, 24 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Withem and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA318
Page 5 in lines 9 - 11 reinstate stricken matter; strike new matter.

Messrs. Rogers and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Ashford
Baack
Bernard-Stevens
Chambers
Conway
Hall
Hartnett
Korshoj
Morrissey
Nelson
Schimek

Voting in the negative, 20:

Abboud
Barrett
Beck
Beyer
Elmer
Goodrich
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Peterson
Pirsch
Robak
Warner
Weihing

Present and not voting, 11:

Byars
Coordsen
Crosby
Dierks
Hannibal
Johnson, R.
Lynch
Schellpeper
Scofield
Wehrbein
Wesely

Excused and not voting, 7:

Chizek
Haberman
Hefner
Rogers
Schmit
Smith
Withem

The Chambers amendment lost with 11 ayes, 20 nays, 11 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 29:

Abboud
Beck
Bernard-Stevens
Beyer
Byars
Conway
Crosby
Dierks
Elmer
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Scofield
Warner
Wehrbein
Weihing

Voting in the negative, 6:

Baack
Chambers
Haberman
Korshoj
Morrissey
Wesely

Present and not voting, 9:

Ashford
Coordsen
Goodrich
Hall
Hartnett
Lindsay
Lynch
Schellpeper
Schimek

Excused and not voting, 5:

Barrett
Chizek
Schmit
Smith
Withem

Advanced to E & R for review with 29 ayes, 6 nays, 9 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1118. Introduced by Bernard-Stevens, 42nd District; Baack, 47th District; Hefner, 19th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to allow certain tanks to remain or be installed aboveground.

LEGISLATIVE BILL 1119. Introduced by Rogers, 41st District; Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,136.01, Revised Statutes Supplement, 1989; to exempt certain vehicles from sunscreening requirements; to define a term; and to repeal the original section.

LEGISLATIVE BILL 1120. Introduced by Withem, 14th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-625 and 9-630, Revised Statutes Supplement, 1989; to restrict the number of certain lottery locations as prescribed; to change a provision relating to an application for a license; and to repeal the original sections.

LEGISLATIVE BILL 1121. Introduced by Withem, 14th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to county government; to amend section 23-151, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the election of county commissioners as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1122. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3508, 77-3513, and 77-3514, Revised Statutes Supplement, 1988, and section 77-3509, Revised Statutes Supplement, 1989; to change provisions relating to the exemption for certain veterans; to harmonize provisions; and to repeal the original sections.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LR 8CA.

(Signed) Bill Barrett

VISITORS

Visitors to the Chamber were Senator L. Johnson's granddaughter, Natalie Johnson from Carlsbad, California; Ed Beashore from North Platte; and Mr. and Mrs. Jerry Childers from Chambers.

ADJOURNMENT

At 5:06 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Friday, January 12, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 12, 1990

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 12, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 12, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Eugene Crump, Newman United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Chizek, and Hall who were excused; and Messrs. Baack, Goodrich, Haberman, R. Johnson, Landis, Schellpeper, Schmit, Ms. Schimek, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

MESSAGES FROM THE GOVERNOR

November 24, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Health, requiring legislative confirmation.

Appointee: Timothy O. Wahl, M.D., 4242 Farnam Street, Omaha, NE 68131, (402) 559-2681.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 28, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Manpower Commission, requiring legislative confirmation.

Appointee: Dr. Joel Hutchins, 807 N. Ash, Gordon, NE 69343, (308) 282-0401.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 11, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Central Interstate Low Level Radioactive Waste Compact Commission, requiring legislative confirmation.

Appointee: Norman Thorson, 7310 Stevens Ridge Rd., Lincoln, NE 68516, (402) 489-5065, home.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Platte North	
Attorney Fees	57,665.48

ATTORNEY GENERAL'S OPINION

Opinion No. 90001

DATE: January 11, 1990

SUBJECT: LB 419; Federal Preemption of State Legislation Regulating Hours of Service for Railroad Employees

REQUESTED BY: Senator David Bernard-Stevens
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General

Dale A. Comer, Assistant Attorney General

LB 419 would amend Neb.Rev.Stat. §74-902 (Reissue 1986) dealing with the duty times of employees of railroads and other common carriers. Among other things, that statute prescribes maximum consecutive hours of duty for such employees. The federal Hours of Service Act, 45 U.S.C. §61 et seq., also prescribes maximum hours of service for railroad employees, and otherwise regulates employee service. You now ask, "Whether LB 419 . . . preempts federal law." From discussions with your staff, and from our review of the testimony presented at the committee hearing on LB 419, we understand that the focus of your opinion request is actually whether the federal Hours of Service Act preempts the provisions of LB 419. We believe that it does, and our conclusion is discussed below.

Article I, Section 8, Paragraph 3 of the United States Constitution, commonly known as the Commerce Clause, grants Congress the power to regulate interstate commerce. Union Pacific Railroad Company v. Woodahl, 308 F.Supp. 1002 (D.Mont. 1970). Article VI, Paragraph 2 of the United States Constitution, the Supremacy Clause, provides that the federal Constitution and Laws are the supreme laws of the land. ATS Mobile Telephone v. Curtain Call Communications, Inc., 194 Neb. 404, 232 N.W.2d 248 (1975). These provisions, considered together, indicate that state regulation of interstate commerce can be preempted by federal regulation in the same area. Our supreme court has set out a three-part test for determining when such preemption occurs:

> First, did Congress intend to preempt the area? Second, do the state and federal laws irreconcilably conflict? Third, by the very nature of the subject regulated, is there a need for national uniformity? The answer must be "no" to all three questions if the state regulation is to be upheld.

ATS Mobile Telephone v. Curtain Call Communications, Inc., supra at 407, 232 N.W.2d at 250. We believe that LB 419 fails at least the first two of the tests set out by our supreme court. As a result, federal legislation must control.

When Congress unmistakably enters a field and enacts legislation to govern that field, state laws regulating that aspect of commerce must fail. ATS Mobile Telephone, Inc. v. General Communications Company, Inc., 204 Neb. 141, 282 N.W.2d 16 (1979). This result is required whether Congress specifically directs such a result or whether such a result is required by the purpose of the act. Id.

The federal Hours of Service Act was initially enacted in 1907. There are several cases which indicate that this legislation concerning hours of service so completely occupies the field as to prevent state legislation on the same subject. For example, in Northern Pacific Railway Company v. State of Washington, 222 U.S. 370 (1912), the United States Supreme Court held that the Hours of Service Act precluded a state, even during the period of time from the Act's passage to its effective date, from making or enforcing local regulations limiting hours of labor. The Court stated:

> . . . the enactment of Congress of the law in question {the Hours of Service Act} was an assertion of its power, by the fact alone of such manifestation that subject was at once removed from the sphere of the operation of the authority of the state.

Northern Pacific Railway Company, 222 U.S. at 378. Similarly, in Erie Railroad Company v. People of the State of New York, 233 U.S. 671 (1914), the Supreme Court held that the subject of hours of labor of employees specified in the Hours of Service Act was so far removed from state regulation as to invalidate provisions of state law prescribing shorter days of work for certain classes of employees. See also, Southern Railway Company v. Railroad Commission of Indiana, 236 U.S. 439 (1915); State v. Wabash Railway Company, 238 Mo. 21, 141 S.W. 646 (1911); State v. Chicago, Milwaukee and St. Paul Railway Company, 136 Wis. 407, 117 N.W. 686 (1908); State v. Missouri Pacific Railway Company, 212 Mo. 658, 111 S.W. 500 (1908). On the basis of these various cases, we believe that Congress intended to preempt the area of hours of service for railroad employees. As a result, LB 419 fails the initial portion of the three-part test for preemption described by our supreme court.

We also believe that certain provisions of LB 419 are in conflict with federal law. Section 1 of LB 419 provides:

> It shall be unlawful for any common carrier or its officers or agents to require or permit any employee to be or remain on duty for a longer period than 12 consecutive hours. Whenever any employee of such common carrier has been continuously on duty for 12 hours, he or she shall be at the tie-up or tie-off duty point and relieved from all duties within such 12 hour period so that his or her total time on duty shall not exceed 12 hours.

(Emphasis supplied). As noted in your opinion request, the language in §1 of LB 419 emphasized above is intended "to clarify and delineate that railroad employees should actually be at their terminal within 12 hours of duty."

The federal Hours of Service Act does not contain language which requires that railroad employees must be at their terminal at the end of their duty shift. Moreover, 45 U.S.C. §61(3) provides that time on duty for purposes of computation of maximum allowed duty periods shall commence when an employee reports for duty and terminate when the employee is released from duty. Part (c) of that same subsection further provides that time on duty shall include:

> Time spent in deadhead transportation by an employee to a duty assignment: provided, the time spent in deadhead transportation by an employee from duty to his final release shall not be counted in computing time off duty.

(Emphasis supplied). It seems to us that these portions of 45 U.S.C. §61, by specifically excluding "deadhead transportation by an employee from duty to his final release" from time on duty, contemplate that employees will not necessarily be at their terminal at the end of their duty shift. Consequently, LB 419 would conflict with the federal statute by requiring a different result.

For these various reasons, we believe LB 419 is preempted by the federal Hours of Service Act. If LB 419 were enacted into law, its provisions could not be enforced in the face of the federal legislation.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

5-151-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 235. Read. Considered.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 235 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 238. Read. Considered.

LR 238 failed with 4 ayes, 5 nays, and 40 not voting.

GENERAL FILE

LEGISLATIVE BILL 50. Title read. Considered.

Standing Committee amendment, AM0382, found in the Journal on page 1130 for the Forty-Fifth Day, First Session, 1989, was considered.

Mr. Dierks offered the following amendment to the pending Standing Committee amendment:
FA319
To strike line 16 from Committee Amendment AM0382

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks withdrew his pending amendment.

Mr. Lindsay offered the following amendment to the pending Standing Committee amendment:
FA320

1. Strike line 16
2. In the original bill, page 7, line 13, strike "cruelly mistreated"

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lindsay amendment was adopted with 17 ayes, 0 nays, 20 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks offered the following amendment:
AM2102

1. On page 6, line 14, after "another" insert "and nonnegligent actions taken by personnel or agents of the Department of Agriculture in the performance of duties prescribed by law".

The Dierks amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Standing Committee amendment, AM0886, found in the Journal on page 1154 for the Forty-Sixth Day, First Session, 1989, was adopted with 25 ayes, 8 nays, 7 present and not voting, and 9 excused and not voting.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Mr. Moore moved to indefinitely postpone LB 163.

Laid over.

Messrs. R. Johnson, Morrissey, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 543. Title read. Considered.

Standing Committee amendment, AM0895, found in the Journal on page 1156 for the Forty-Sixth Day, First Session, 1989, was considered.

Mr. Chambers offered the following amendment:
AM2109

(Amendments to Standing Committee amendments, AM0895)

1. On page 1, line 1, strike "Insert" and insert "Strike original section 1 and insert" and strike "sections" and insert "section"; and strike beginning with "Sec." in line 2 through the first period on page 3, line 3, and insert:

"Section 1. The Legislature finds that the State of Nebraska should have a commitment to providing access to the University of Nebraska for Black, American Indian, and Hispanic minority students and that the financial requirements of postsecondary education usually represent major obstacles to such students because of the lack of financial resources available to them.

This commitment was evidenced by the adoption of Legislative Resolution 97, Ninety-first Legislature, First Session, 1989, and the appropriation of funds by Laws 1989, LB 813, section 53, for the Board of Regents of the University of Nebraska, to establish an endowed scholarship program in accordance with such resolution.

Funds appropriated by the Legislature for such scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the board shall determine and as authorized by section 72-1246. The income from the endowed scholarship fund shall be expended for such scholarships.

The purpose of such endowed scholarship fund shall be to provide total or partial undergraduate scholarships of tuition, fees, board, room, and books at the University of Nebraska to full-time undergraduate students from Black, American Indian, and Hispanic minority groups which are underrepresented in the student population at the University of Nebraska and who cannot afford such educational expenses due to lack of financial resources available to them.

Such scholarship program shall be implemented as a temporary measure for the purpose of eliminating the statistical disparity between the representation of full-time Black, American Indian, and Hispanic minority students in the undergraduate student population of the University of Nebraska and the representation of such minority students in the student population of the primary and secondary schools of this state and for the purpose of developing a more racially diverse student body at the University of Nebraska.

It is the intent of the Legislature that funds appropriated to the board for such scholarship program be used in coordination with private donations for scholarships and federal grant funds available to minority students at the University of Nebraska.".

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 17 ayes, 0 nays, 20 present and not voting, and 12 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1123. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-513, Revised Statutes Supplement, 1989; to provide freedom of choice in the selection of health practitioners as prescribed; and to repeal the original section.

MOTION - Suspend Rules

Mr. Landis moved to suspend the rules and read LB 272A on Final Reading.

Laid over.

NOTICE OF COMMITTEE HEARINGS

General Affairs

LB 863	Monday, January 22, 1990	1:30 p.m.
LB 1001	Monday, January 22, 1990	1:30 p.m.
LB 1074	Monday, January 22, 1990	1:30 p.m.
LB 1100	Monday, January 22, 1990	1:30 p.m.
LB 862	Monday, January 29, 1990	1:30 p.m.
LB 864	Monday, January 29, 1990	1:30 p.m.
LB 936	Monday, January 29, 1990	1:30 p.m.
LB 1101	Monday, January 29, 1990	1:30 p.m.

(Signed) Jacklyn Smith, Chairperson

Judiciary

LB 1035	Friday, January 19, 1990	1:30 p.m.
LB 1062	Friday, January 19, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2126

1. On page 9, line 4, after “vehicle” insert “, including every farm tractor,”.
2. On page 10, line 2, after “businesses” insert “engaged in business”; and in lines 3 and 6 strike “a sales volume” and insert “sales of tangible personal property”.

GENERAL FILE

LEGISLATIVE BILL 422. Title read. Considered.

MRS. LABEDZ PRESIDING

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem moved to bracket LB 422 until January 16, 1990 at 9:00 a.m.

Mr. Withem withdrew his motion to bracket.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Wesely and Abboud offered the following amendment:
AM0624

1. Strike original sections 6 and 8.
2. On page 2, line 9, strike “community”; in line 10 strike “service”; strike beginning with “or” in line 12 through “service” in line 13; in line 19 strike “a community service program” and insert “vocational, rehabilitation, and job training programs”; and in line 21 strike “6” and insert “5”.
3. On page 3, in lines 8 and 15 strike “community service” and insert “vocational,

rehabilitation, or job training"; and strike beginning with the first comma in line 18 through line 25 and insert an underscored period.

4. On page 4, strike lines 1 through 8; and strike beginning with "an" in line 10 through "project" in line 11 and insert "a vocational, rehabilitation, or job training program".

5. On page 5, line 13, strike "the community" and insert "a"; and in line 14 strike "service".

6. On page 6, strike beginning with "community" in line 18 through "5" in line 19 and insert "program established pursuant to section 2"; in line 24 strike the comma; and in line 25 strike "68-137,".

7. Renumber remaining sections accordingly.

The Wesely-Abboud amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1124. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-410 and 66-428, Revised Statutes Supplement, 1988; to create a tax credit for ethanol production as prescribed; to provide duties for the Department of Revenue; to eliminate provisions reducing the motor fuel tax on fuel which contains alcohol; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1125. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District: Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to personnel service; to amend sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1989; to extend authority of the Director of Personnel to adjust terms and conditions of employment to fiscal year 1990-91; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schellpeper and Dierks asked unanimous consent to print the following amendment to LB 520 in the Journal. No objections. So ordered.

AM2130

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Nursing Incentive Act.

Sec. 2. The Legislature hereby finds and declares that there is a current and projected future shortage of nurses in the State of Nebraska and that it is imperative to the welfare of the state that the number of nurses be increased due to the vital role nurses play in providing quality health care. The Legislature further finds and declares that there are serious problems with recruitment and retention of nurses in rural areas, and the state can help alleviate the problem of maldistribution and shortage of nurses through financial incentives for students to study nursing and practice in the State of Nebraska following completion of their education. Solutions to this problem are most effectively met through coordinated efforts on the part of communities, educators, health care facilities, and others in both public and private sectors working together in partnership with the state to provide incentives and opportunities for nurses to practice in the State of Nebraska.

Sec. 3. For purposes of the Nursing Incentive Act:

(1) Approved nursing program shall mean a program offered by a public or private institution in this state (a) which consists of courses of instruction in regularly scheduled classes leading to a master of science degree, a bachelor of science degree, an associate degree, or a diploma in nursing or (b) for the preparation for licensure as a licensed practical nurse available to regularly enrolled undergraduate or graduate students who reside in Nebraska and have

received a high school diploma or its equivalent;

(2) Department shall mean the Department of Health;

(3) Full-time practice of nursing shall mean employment in the practice of nursing for no fewer than one thousand six hundred hours per year, except that up to four hundred hours per year may be waived by the department upon a showing that there was a valid reason for the nurse to be unable to practice nursing for that number of hours, including medical or maternity leave;

(4) Nontraditional student shall mean a student who has not attended classes as a regular full-time student for at least three years;

(5) Practice of nursing shall have the definition found in section 71-1,132.05; and

(6) Rural area shall mean the area included within the boundaries of any county having a population of sixty thousand inhabitants or less.

Sec. 4. There is hereby created the Nursing Scholarship Incentive Fund. Such fund shall be distributed upon application to students enrolled in approved nursing programs in the State of Nebraska in direct proportion to the number of students enrolled in such programs. Each such program shall be eligible to receive at least one thousand dollars and the program accepting funds shall provide a scholarship for at least one student. Each approved nursing program which receives funds shall distribute the funds to nursing students enrolled in the program in a manner intended to result in the greatest increase in the number of persons engaged in the study of nursing. Such funds shall be made available for at least sixty new students in academic year 1990-91 and at least sixty students in academic year 1991-92. Such scholarships shall not exceed one thousand dollars per student per academic year nor a total of more than two thousand dollars per student.

Selection of students to receive the funds shall be based on the following:

(1) First priority shall be given to students who reside in rural communities. Rural communities and local health care facilities shall be encouraged to assist nursing students by providing financial or other assistance to such students in return for a promise to

practice nursing in such communities;

(2) Substantial financial need as defined in section 85-990; and

(3) An agreement by the recipient to practice nursing in the State of Nebraska.

At least one-half of the funds distributed to each approved nursing program shall be made available for nontraditional or ethnic minority students.

The use of funds from the Nursing Scholarship Incentive Fund shall be subject to review by the department. Failure to use such funds in an appropriate manner shall result in the ineligibility of the approved nursing program to receive subsequent funding under the Nursing Incentive Act.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. There is hereby created the Rural Nursing Incentive Fund. The fund shall provide a financial incentive to encourage nurses to practice in rural area. A financial incentive of one thousand dollars per year for up to two years of nursing practice in a rural area beginning January 1, 1991, shall be provided to qualified nurses practicing in such communities. Such incentive shall be made available for sixty nurses per year. To be eligible to receive such incentive, a nurse shall meet the following standards:

(1) He or she shall not have practiced nursing in a rural community at that level of education or credential in the State of Nebraska in the immediately preceding five years;

(2) He or she shall be licensed to practice nursing in the State of Nebraska;

(3) He or she shall apply for rural incentive funds by December 15 of the year preceding his or her practice in the rural area;

(4) He or she shall practice nursing full time in a rural area for that year and shall provide proof of such practice to the department; and

(5) Upon completion of one year of full-time practice of nursing in the rural area, he or she shall receive such financial incentive payment.

In the event there are more eligible applicants than there are funds available, the department shall select applicants based on greatest need for nurses in a particular rural area based upon data developed by the department. Additional eligible applicants shall be put on a waiting list and shall replace applicants who fail to fulfill the requirements of this section.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 6. The department shall adopt and promulgate rules and regulations to carry out the Nursing Incentive Act.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

MOTION - Withdraw LB 1012

Mr. Wesely moved to withdraw LB 1012.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 11, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Carney, Patrick P. - Kearney	Associated Students of Kearney State College
Cupp, Marlen - Lincoln	Nebraska Civil Liberties Union
Erickson & Sederstrom, P.C.	
Thone, Charles	Nebraska Florists Society Association of Nebr. Schools
Gerraughty, Robert - Omaha	Creighton University (Withdrawn 90/01/09)
Grieb, George - Omaha	Creighton University
Hansen, John K. - Lincoln	Nebraska Farmers Union
Lombardi, Richard/American Communications Group	

Lombardi, Richard A. - Lincoln	Nebraska Podiatric Medical Association (Withdrawn 89/12/31)
Moulton, William S. - Lincoln	Nebraska Retail Grocers Association (Withdrawn 90/01/01)
O'Hara & Associates	
O'Hara, Paul V. - Lincoln	Association for Retarded Citizens/Nebraska
Peterson, Terry L. - Westchester, IL	Waste Management of North America
Ryan, James E. - Lincoln	Governors of the Knights of Ak-Sar-Ben
Sturner, Peter C. & Associates	
Sturner, Peter C. - Lincoln	Nebraska Association of Professional Investigators
Suttle, Deborah S. - Omaha	Omaha Council PTA/PTSA

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1048	Friday, January 19, 1990	1:30 p.m.
LB 989	Friday, January 19, 1990	1:30 p.m.
LB 996	Friday, January 19, 1990	1:30 p.m.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Bernard-Stevens asked unanimous consent to have his name added as co-introducer to LB 1050. No objections. So ordered.

MR. LANDIS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 409. Title read. Considered.

Mr. Barrett renewed his pending amendment, AM2079, printed separately from the Journal and referred to on page 199.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

The Barrett amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

ANNOUNCEMENT

Mrs. Labedz and Mr. Barrett announced that bill requests submitted to the bill drafting staff by noon Tuesday, January 16, 1990, will be guaranteed to be ready for introduction before adjournment on the 10th legislative day (January 18).

Requests received after noon Tuesday will be drafted if time permits; however, priority will be given to the requests received before noon Tuesday.

NOTICE OF COMMITTEE HEARING
Appropriations

Monday, January 22, 1990, Room 1003 1:30 p.m.

Agency 31	Military Department
Agency 33	Game & Parks Commission
Agency 52	State Board of Agriculture
Agency 30	State Electrical Board
Agency 35	Liquor Control Commission
Agency 41	Real Estate Commission
Agency 63	Board of Public Accountancy

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 723A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 723, Ninety-first Legislature, Second Session, 1990.

VISITORS

Visitors to the Chamber were Jan Christophersen and Preben Paaske from Denmark and host Mr. Paul Bogott.

RECESS

At 11:58 a.m., on a motion by Mr. Weihing, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford. Baack, Chizek, Hall, R. Johnson, and Rogers who were excused: and Messrs. Conway, Haberman, Hannibal, Korshoj, Landis. McFarland, Moore, Schellpeper, Schmit, Warner, Withem, Mmes. Labedz, Pirsch, and Smith who were excused until they arrive.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 1000	Monday, January 22, 1990	1:30 p.m.
LB 1027	Monday, January 22, 1990	1:30 p.m.
LB 1078	Monday, January 22, 1990	1:30 p.m.
LB 1088	Monday, January 22, 1990	1:30 p.m.
LB 938	Tuesday, January 23, 1990	1:30 p.m.
LB 956	Tuesday, January 23, 1990	1:30 p.m.
LB 985	Tuesday, January 23, 1990	1:30 p.m.
LB 1017	Tuesday, January 23, 1990	1:30 p.m.
LB 1016	Tuesday, January 23, 1990	1:30 p.m.

(Signed) David Landis, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1126. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District: Crosby, 29th District; Dierks, 40th District; Lynch, 13th District.

A BILL FOR AN ACT relating to appropriations; to state intent to increase payments to certain caregivers as prescribed; and to appropriate funds.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 503. Title read. Considered.

Standing Committee amendment, AM0914, found in the Journal on page 1194 for the Forty-Seventh Day, First Session, 1989, was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Chambers offered the following amendment:
FA321
Raise Gov's salary by $10,000 and each of the other salaries by $5,000

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Chambers amendment is as follows:
FA322
Raise Gov's salary by $10,000

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Barrett
Bernard-Stevens
Chambers
Conway
Coordsen
Elmer
Goodrich
Hartnett
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Schellpeper
Schimek
Scofield
Weihing
Wesely
Withem

Voting in the negative, 16:

Abboud
Beck
Beyer
Byars
Crosby
Hannibal
Hefner
Johnson, L.
Lamb
Langford
Nelson
Peterson
Robak
Smith
Warner
Wehrbein

Present and not voting, 1:

Dierks

Excused and not voting, 10:

Ashford
Baack
Chizek
Haberman
Hall
Johnson, R.
Moore
Pirsch
Rogers
Schmit

The Chambers amendment lost with 22 ayes, 16 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

The second Chambers amendment is as follows:
FA323
and each of the other salaries by $5,000

Mr. Chambers asked unanimous consent to withdraw his pending amendment, FA323. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 3 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 503A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 465. Title read. Considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Smith withdrew her pending amendment, AM0993, found in the Journal on page 1387, First Session, 1989.

Mr. Chambers offered the following amendment:
FA324

Page 2, lines 7,8; 14,15; 18,19; 23,24: strike "acquired immunodeficiency syndrome or its related diseases" and insert: "human immunodeficiency virus infection or acquired immunodeficiency syndrome."

Amend title.

The Chambers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 6 present and not voting, 10 excused and not voting.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1127. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to limitations of actions; to amend section 25-21,180, Reissue Revised Statutes of Nebraska, 1943; to eliminate limitations on the time for bringing certain actions; to harmonize provisions; and to repeal the original section, and also sections 25-223 and 25-224, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1128. Introduced by Lynch, 13th District; Hall, 7th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-606, 28-1101, 77-3001, and 84-712.05, Reissue Revised Statutes of Nebraska, 1943, and sections 9-601, 9-603, 9-606.01, 9-607, 9-613, 9-614, 9-625, 9-629, and 9-646, Revised Statutes Supplement, 1989; to define and redefine terms; to provide for lottery by player-activated keno lottery devices as prescribed; to remove a restriction on the permitted number of types of lotteries as prescribed; to provide for distribution of proceeds; to provide powers and duties for the Department of Revenue; to provide penalties; to provide for fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1129. Introduced by Wesely, 26th District; Warner, 25th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend section 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943; to provide for individual client service contracts for recipients of community-based mental retardation services; to change provisions relating to the budget of mental retardation regions; to provide for delivery of services by the department; to eliminate provisions regarding matching funds; and to repeal the original section, and also section 83-1,143, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1130. Introduced by Warner, 25th District, at the request of the Governor; Lamb, 43rd District; Wehrbein, 2nd District; Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-506, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3509.04, 77-3512, 77-4203, and 77-4207, Revised Statutes Supplement, 1989; to enact the Tax Revenue Limitation Act; to change a reduction in valuation under the Property Tax Relief Act; to change the termination date of the Property Tax Relief Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1131. Introduced by Warner, 25th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Property Tax Full Disclosure Act; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 1132. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to medicaid; to amend section 68-1026, Revised Statutes Supplement, 1989; to provide for drug-related and alcohol-related treatment and services as prescribed; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 1133. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to highways; to state intent; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 962	Friday, January 19, 1990	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Transportation

LB 884	Monday, January 22, 1990	1:30 p.m.
LB 887	Monday, January 22, 1990	1:30 p.m.
LB 902	Monday, January 22, 1990	1:30 p.m.
LB 934	Monday, January 22, 1990	1:30 p.m.
LB 937	Monday, January 22, 1990	1:30 p.m.
LB 979	Tuesday, January 23, 1990	1:30 p.m.
LB 980	Tuesday, January 23, 1990	1:30 p.m.
LB 1021	Tuesday, January 23, 1990	1:30 p.m.
LB 914	Tuesday, January 23, 1990	1:30 p.m.

(Signed) Howard Lamb, Chairperson

SELECT FILE

LEGISLATIVE BILL 224. Mr. McFarland renewed his pending amendment, AM1005, found in the Journal on page 1271, First Session, 1989.

MR. LANDIS PRESIDING

The McFarland amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. McFarland renewed his pending amendment, AM1027, found in the Journal on page 1302, First Session, 1989.

The McFarland amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. McFarland withdrew his pending amendment, AM1074, found in the Journal on page 1360, First Session, 1989.

Mr. Chambers withdrew his pending amendments, FA112 through FA123, found in the Journal on pages 1359 and 1360, First Session, 1989.

Mr. Chambers moved to indefinitely postpone LB 224.

Laid over.

LEGISLATIVE BILL 87. E & R amendment, AM7019, found in the Journal on page 1442 for the Fifty-Seventh Day, First Session, 1989, was adopted.

Mrs. Pirsch renewed her pending amendment, AM0665, found in the Journal on page 999, First Session, 1989.

The Pirsch amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mrs. Pirsch offered the following amendment:
AM1997

1. Insert the following new sections:

"Sec. 4. That section 81-1807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1807. Any person who may be eligible for compensation under the Nebraska Crime Victim's Reparations Act may make application to the committee on forms provided by the committee. If the person entitled to make application is a minor or mentally incompetent, the application may be made on his or her behalf by his or her parent, guardian, or any other individual authorized to administer his or her estate. Residents and nonresidents of ~~the State of~~ Nebraska who are victims of crimes committed in Nebraska shall be treated similarly in determining compensation awards under the act. A resident of Nebraska who is the victim of a crime committed in another state shall be eligible for compensation if (1) the crime would be compensable had it occurred in Nebraska and (2) the crime occurred in a state which does not have a crime victim compensation program for which the person is eligible.

Sec. 5. That section 81-1809, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1809. (1) A hearing officer shall consider and rule upon any application made under the Nebraska Crime Victim's Reparations Act within one hundred eighty days after receipt of all required information related to the crime.

(2) If the hearing officer denies an award of compensation or awards an amount less than or equal to the amount requested by the applicant, the hearing officer shall furnish the applicant with a written statement of the reason for the ruling. The applicant may request a hearing on his or her application within thirty days after receipt of the statement. If the applicant requests a hearing, the hearing officer shall furnish the committee with his or her findings of fact and conclusions of law together with the reasons for the findings and conclusions. The committee shall specify a time and place for a hearing and shall give written notice to the applicant. The hearing shall be held within one hundred twenty days after receipt of the request for a hearing. If no request for a hearing is made within the specified time, the decision of the hearing officer shall be final.

(3) If the hearing officer awards an amount to the applicant greater than the amount requested by the applicant, the hearing officer shall furnish the committee with his or her findings of fact and conclusions of law together with the reasons for granting the applicant more than he or she requested. The committee shall review the decision of the hearing officer taking into consideration the availability of funds appropriated for the purposes of the ~~Nebraska Crime Victim's Reparations Act~~ act and other standards formulated pursuant to section 81-1814. The committee may approve the same amount awarded by the hearing officer, may increase or decrease the amount, or may deny an award of compensation.

Sec. 6. That section 81-1816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1816. (1) In determining whether to make an order under the Nebraska Crime Victim's Reparations Act, the committee or hearing officer shall consider all circumstances determined to be relevant, including, but not limited to, provocation, consent, or any other behavior of the victim which directly or indirectly contributed to his or her injury or death. ~~, the prior social history of the victim, if any, and the need for financial aid.~~

(2) An order may be made under the Nebraska Crime Victim's Reparations Act~~,~~ whether or not any person is prosecuted for or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the committee may suspend proceedings under the Nebraska Crime Victim's Reparations Act for such period as it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent.

Sec. 7. That section 81-1822, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1822. No compensation shall be awarded: ~~if the victim:~~

(1) If the victim ~~Is a relative of the offender and~~ aided or abetted the offender in the commission of the unlawful act;

(2) If the offender will receive economic benefit or unjust enrichment from the compensation; ~~Is, at the time of the injury which results in the death of the victim, living with the offender as a member of the same family or household or maintaining a sexual relationship with the offender or with a member of the offender's family and aided or abetted the offender in the commission of the unlawful act;~~

(3) If the victim violated ~~Violated~~ a criminal law of the state, which violation caused or contributed to his or her injuries or death;

(4) If the victim is ~~Is~~ injured as a result of the operation of a motor vehicle, boat, or airplane (a) unless the vehicle was used in a deliberate attempt to injure or kill the victim, (b) ~~or~~ unless the operator is ~~convicted of~~ charged with a violation of section

39-669.07 or 39-669.08 or a city or village ordinance enacted in conformance with either of such sections, or (c) unless any chemical test of the operator's breath, blood, or urine indicates an alcohol concentration equal to or in excess of the limits prescribed in section 39-669.07; or

~~(5) Aided or abetted the offender in the commission of the unlawful act; or~~

~~(6) Incurs~~ (5) If the victim incurs an economic loss which does not exceed ten percent of the claimant's net financial resources. For purposes of this subdivision, a victim's net financial resources shall not include the present value of future earnings and shall be determined by the committee by deducting from the victim's total financial resources:

(a) One year's earnings;

(b) The victim's equity in his or her home, not exceeding thirty thousand dollars;

(c) One motor vehicle; and

(d) Any other property which would be exempt from execution under section 25-1552 or 40-101.

Nothing in this section shall limit payments to a victim by an offender which are made as full or partial restitution of the victim's actual pecuniary loss.

Sec. 8. That section 81-1837, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1837. Upon disposition of charges favorable to any person accused of committing a crime or upon a showing by such person that five years have elapsed from the deposit of money into the Victim's Compensation Fund by the accused pursuant to section 81-1836 and further that no actions are pending against such person pursuant to the Nebraska Crime Victim's Reparations Act, the committee shall immediately pay the money deposited pursuant to such section by the accused to such person.".

2. On page 8, line 5, strike "and"; and in line 8 after "release" insert "; and

(g) To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the time and place of any subsequent judicial proceedings if the defendant was acquitted on grounds of insanity".

3. On page 10, line 25, after the second comma insert "81-1807, 81-1809, 81-1816, 81-1822, 81-1837,".

4. Renumber the remaining sections accordingly.

The Pirsch amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 220. Mrs. Pirsch offered the following amendment:
AM1987

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 29-2259, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2259. (1) The salaries, actual and necessary expenses, and expenses incident to the conduct and maintenance of the office shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 81-1174 to 81-1177. ~~for state employees.~~

(2) The salaries and actual and necessary travel expenses of the service shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 81-1174 to 81-1177.

(3) The costs of drug testing and equipment incident to the electronic surveillance of individuals on probation shall be paid by the state. ~~for state employees.~~

~~(3)~~ (4) The expenses incident to the conduct and maintenance of the principal office within each probation district shall in the first instance be paid by the county in which it is located but such county shall be reimbursed for such expenses by all other counties within the probation district to the extent and in the proportions determined by the Supreme Court based upon population, number of investigations, and probation cases handled or upon such other basis as the Supreme Court deems fair and equitable.

~~(4)~~ (5) Each county shall provide office space and necessary facilities for probation officers performing their official duties and shall bear the costs incident to maintenance of such offices other than salaries and travel expenses.

~~(5)~~ (6) The probation administrator shall prepare a budget and request for appropriations for the office and shall submit such request to the Supreme Court and with its approval to the appropriate authority in accordance with law.

Sec. 2. There is hereby created the Probation Supervision Cash Fund. All funds collected pursuant to subdivisions (2)(n) and (2)(p) of section 29-2262 shall be remitted to the State Treasurer for credit to the fund. The fund shall be used to supplement any state funds necessary to support the costs of supervision of individuals on intensive probation. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. That section 29-2262, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2262. (1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life.

(2) The court, as a condition of its sentence, may require the offender:

(a) To refrain from unlawful conduct;

(b) To be confined periodically in the county jail or to return to custody after specified hours, but not to exceed (i) for misdemeanors, the lesser of ninety days or the maximum jail term provided by law for the offense and (ii) for felonies, one hundred eighty days;

(c) To meet his or her family responsibilities;

(d) To devote himself or herself to a specific employment or occupation;

(e) To undergo medical or psychiatric

treatment and to enter and remain in a specified institution for such purpose;

(f) To pursue a prescribed secular course of study or vocational training;

(g) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;

(h) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(i) To have in his or her possession no firearm or other dangerous weapon unless granted written permission;

(j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his or her address or his or her employment;

(k) To report as directed to the court or a probation officer and to permit the officer to visit his or her home;

(l) To pay a fine in one or more payments as ordered;

(m) To work, in lieu of or in addition to any fine, on public streets, parks, or other public property for a period not exceeding twenty working days. Such work shall be under the supervision of the probation officer which the work is performed;

(n) To pay for blood, urine, or breath alcohol tests, psychological evaluations, and rehabilitative services required in the identification, evaluation, and treatment of offenders if such offender has the financial ability to pay for such services;

(o) To perform community service as defined in section 29-2277; ~~or~~

(p) To be monitored by an electronic surveillance device or system and to pay the cost of such device or system if the offender has the financial ability; or

(q) To satisfy any other conditions reasonably related to the rehabilitation of the offender.

(3) In all cases in which the offender is guilty of assault or battery and the victim is the offender's spouse, a condition of probation shall be mandatory counseling as provided by the Protection from

Domestic Abuse Act.

(4) In all cases in which the offender is guilty of violating section 28-416, a condition of probation shall be mandatory treatment and counseling as provided by subsection (9) of section 28-416.

Sec. 4. That original sections 29-2259 and 29-2262, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

The Pirsch amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Chambers withdrew his pending amendments, FA128 and FA129, found in the Journal on page 1421, First Session, 1989.

Advanced to E & R for engrossment.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 399. E & R amendment, AM7015, found in the Journal on page 1443 for the Fifty-Ninth Day, First Session, 1989, was adopted.

Mr. Chambers withdrew his pending amendments, FA126 and FA127, found in the Journal on page 1421, First Session, 1989.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Morrissey asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2133

1. On page 2, line 15, strike "can" and insert "shall"; in line 17 after "materials" insert "to the extent such materials are readily available at a comparable price and quality. For purposes of this section, readily available shall mean available for purchase in sufficient quantities to meet demand and comparable price and quality shall mean at a cost not in excess of ten percent above the average price for materials of comparable quality" and strike "can" and insert "shall"; and in line 23 strike "should" and

insert "shall".

2. On page 3, line 15, after "cost" insert "or if a determination is made that disposal of such products, materials, or supplies will not adversely effect the environment".

3. On page 4, line 7, after "(2)" insert "The fund shall be used for the preparation of solid waste management plans by the state and political subdivisions. The state plan shall evaluate options for tire disposal as a part of such plan and shall complement such plan by including tire recycling, reuse, and disposal as components of the plan. The state plan shall consider in order of priority the following: (a) Volume reduction at the source; (b) recycling, reuse, and vegetative waste composting; (c) incineration with energy resource recovery; (d) incineration for volume reduction; and (e) land disposal.

(3)"; and in line 8 after "purposes" insert "consistent with locally adopted solid waste management plans determined by the Department of Environmental Control to be compatible with the state plan".

4. On page 5, line 7, strike "(3)" and insert "(4)".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1134. Introduced by Morrissey, 1st District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-315, Reissue Revised Statutes of Nebraska, 1943, and section 77-1240.03, Revised Statutes Supplement, 1988; to provide for the refund of registration fees and taxes when the tax situs is changed to a location outside of the state; and to repeal the original sections.

LEGISLATIVE BILL 1135. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120, Reissue Revised Statutes of Nebraska, 1943; to require the employer to be liable for nursing and home health care services; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 756. Mr. Weihing renewed his pending amendment, AM1310, found in the Journal on page 1593, First Session, 1989.

Mr. Hefner and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

The Weihing amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

ADJOURNMENT

At 3:56 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Tuesday, January 16, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 16, 1990

LEGISLATIVE JOURNAL

EIGHTH DAY - JANUARY 16, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 16, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Gordon Patterson, Calvary United Methodist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Ashford, Baack, Chambers, Hall, Hartnett, R. Johnson, McFarland, Morrissey, Schmit, Warner, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 305, line 16, strike "Ashford" and insert "Abboud".
Page 325, line 16, strike "AM7016" and insert "AM7015".
The Journal for the Seventh Day was approved as corrected.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Niobrara	None
Nemaha	
Steve Seglin	570.00
Thomas Morrissey	225.00
Upper Elkhorn	None

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1136. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to funds transfers; to amend section 1-105, Uniform Commercial Code; to adopt uniform provisions governing funds transfers; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1137. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to landlord and tenant; to enact the Disposition of Personal Property Landlord and Tenant Act.

LEGISLATIVE BILL 1138. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to provide that radioactive material accepted for disposal at a facility does not become the property of the state; and to repeal the original section.

LEGISLATIVE BILL 1139. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to license plates; to amend sections 60-311.03 and 60-311.04, Revised Statutes Supplement, 1989; to permit the issuance of Pearl Harbor survivor license plates and prisoner of war license plates to surviving spouses as prescribed; and to repeal to original sections.

UNANIMOUS CONSENT - Member Excused

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Withdraw LB 1012

Mr. Wesely renewed his pending motion, found in the Journal on page 309, to withdraw LB 1012.

The Wesely motion prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 514. Title read. Considered.

Standing Committee amendment, AM0728, found in the Journal on page 1968 for the Seventy-Fourth Day, First Session, 1989, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Ms. Schimek offered the following amendment:
FA325
On page 2, line 18, after "all" insert "public".

The Schimek amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Messrs. Peterson and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Ms. Schimek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

Bernard-Stevens
Chambers
Conway
Hall
Johnson, R.
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Schimek
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 18:

Abboud
Barrett
Beck
Beyer
Byars
Coordsen
Dierks
Elmer
Hannibal
Hefner
Johnson, L.
Korshoj
Lamb
Langford
Robak

Rogers
Schmit
Weihing

Present and not voting, 8:

Crosby
Goodrich
Haberman
Hartnett
Kristensen
Schellpeper
Scofield
Smith

Excused and not voting, 7:

Ashford
Baack
Chizek
Labedz
Moore
Peterson
Pirsch

Failed to advance to E & R for review with 16 ayes, 18 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1140. Introduced by Lynch, 13th District; Robak, 22nd District; Schimek, 27th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1989; to provide an income tax adjustment as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1141. Introduced by Withem, 14th District; Warner, 25th District; Lindsay, 9th District; Weihing, 48th District; Barrett, 39th District.

A BILL FOR AN ACT relating to postsecondary education; to state intent; to change the governance of public postsecondary educational institutions as prescribed; to provide for creation of the boards of trustees, the Nebraska Higher Education Commission, the Board of Regents for Nebraska Higher Education, and a transition committee; to provide powers and duties; to eliminate the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the Nebraska Coordinating Commission for Postsecondary Education; to change provisions relating to state aid for technical community college areas; and to provide operative dates.

LEGISLATIVE BILL 1142. Introduced by Nelson, 35th District; Wesely, 26th District; Hall, 7th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-160 and 53-1,117, Reissue Revised Statutes of Nebraska, 1943, and section 53-101, Revised Statutes Supplement, 1989; to change the rate of tax on certain alcoholic liquor as prescribed; to change distribution of the proceeds as prescribed; to create a fund and provide for distribution of money in the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1143. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the University of Nebraska Institute of Agriculture and Natural Resources.

LEGISLATIVE BILL 1144. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1343 to 28-1348, Reissue Revised Statutes of Nebraska, 1943; to name the Computer Crimes Act; to state intent; to define and redefine terms; to change provisions relating to unauthorized use of computers; to prohibit use of destructive computer programs; to create and change provisions relating to crimes and penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1145. Introduced by Morrissey, 1st District; McFarland, 28th District.

A BILL FOR AN ACT relating to radioactive waste; to amend section 81-1578, Revised Statutes Supplement, 1989; to provide a rebuttable presumption concerning liability and responsibility for radioactive contamination; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1146. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to banking; to amend section 8-903, Revised Statutes Supplement, 1988; to change a restriction on certain bank holding companies and other companies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1147. Introduced by Hannibal, 4th District; Chambers, 11th District.

A BILL FOR AN ACT relating to correctional services; to amend sections 83-1,107, 83-1,107.01, 83-1,109, 83-1,110, 83-1,118, 83-1,122, 83-1.123, and 83-1,125, Reissue Revised Statutes of Nebraska, 1943, and section 83-170, Revised Statutes Supplement, 1988; to define and redefine terms; to change provisions relating to good time; to authorize good time for certain educational achievements; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 239CA. Introduced by Withem, 14th District; Warner, 25th District; Lindsay, 9th District; Barrett, 39th District; Weihing, 48th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VII, sections 10 and 13, and Article XIII, section 1.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VII, sections 10 and 13, and Article XIII, section 1, which is hereby proposed by the Legislature:

CVII-10 "There is hereby established the Board of Regents for Nebraska Higher Education which shall be vested with the authority for the coordination of all public postsecondary educational institutions governed by a board of trustees. The powers and duties of the board of regents shall be prescribed by law.

The board of regents shall consist of two members elected from each congressional district and five members appointed by the Governor with the approval of a majority of the Legislature. The Governor shall appoint to the seats of the six elected members three members of the Board of Regents of the University of Nebraska, one from each congressional district, and three members of the Board of Trustees of the Nebraska State Colleges, one from each congressional district, as those boards exist on June 30, 1991, to serve from July 1, 1991, until such time as members can be elected and take office as provided by law.

The terms of office of the members of the Board of Regents for Nebraska Higher Education shall be six years or until a successor is qualified and takes office, except that (1) of the six members initially elected, one member from each of the first and second congressional districts shall serve for a term of two years and one member from each of the first and third congressional districts shall serve for a term of four years and (2) of the five members initially appointed, one shall serve for a term of two years and two shall serve for terms of four years. Vacancies shall be filled by appointment for the balance of the term. The members of the board of regents shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses. The Board of Regents of the University of Nebraska as the board exists on the effective date of this amendment shall continue to serve as such and shall have the same powers and duties, including the same powers and duties with respect to revenue bonds, as it had on such date until July 1, 1991. On July 1, 1991, the Board of Regents of the University of Nebraska shall terminate. ~~The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.~~

~~The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.~~

~~The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the~~

~~discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.~~"

CVII-13 "There is hereby established for each public postsecondary educational institution which grants baccalaureate or higher degrees a board of trustees which shall have responsibility for the general government, or supervision of the management, of the institution except as otherwise limited pursuant to the Constitution of Nebraska. The powers and duties of the boards of trustees shall be prescribed by law.

Each board of trustees shall consist of seven members appointed by the Governor with the approval of a majority of the Legislature and a nonvoting student member who shall be the student body president of the institution. The Legislature may provide that the appointed members of each board of trustees shall be appointed from areas of the state which are consistent with the institution's primary service responsibilities. The terms of office of the appointed members shall be for six years or until a successor is qualified and takes office, except that of the members initially appointed, two shall serve for terms of four years and two shall serve for terms of two years. No more than four of the members initially appointed to each board of trustees shall be of the same political party. Vacancies of appointed members shall be filled by appointment for the balance of the term. The term of office of the student member shall be for the period of service as student body president. The members of the boards of trustees shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses. The Board of Trustees of the Nebraska State Colleges as the board exists on the effective date of this amendment shall continue to serve as such and shall have the same powers and duties, including the same powers and duties with respect to revenue bonds, as it had on such date until July 1, 1991. On July 1, 1991, the Board of Trustees of the Nebraska State Colleges shall terminate. ~~The general government of the state colleges as now existing, and such other state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no~~

~~compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.~~"

CXIII-1 "The state may, to meet casual deficits~~,~~ or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose~~,~~ or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt is paid. If ~~; PROVIDED, that if~~ the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures. The Board of Regents for Nebraska Higher Education ~~; AND PROVIDED FURTHER, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges,~~ and the State Board of Education may issue revenue bonds to construct, purchase, ~~or~~ otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, for student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to create the Board of Regents for Nebraska Higher Education and the boards of trustees; to provide for membership on such boards and for powers and duties; to harmonize a provision; and to eliminate the Board of Regents of the University of Nebraska and the Board of Trustees of Nebraska State Colleges.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 855	Tuesday, January 23, 1990	1:30 p.m.
LB 972	Tuesday, January 30, 1990	1:30 p.m.
LB 718	Tuesday, February 6, 1990 (rehearing)	1:30 p.m.

(Signed) Rod Johnson, Chairperson

MOTION - Suspend Rules

Mr. Hall moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM1318 to LB 240.

The Hall motion prevailed with 30 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 240. Mr. Hall renewed his pending amendment, AM1318, found in the Journal on page 1751, First Session, 1989.

Messrs. Lamb and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Hall amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Hall offered the following amendment:
FA326

(Amendment to AM1318)

1. On page 2 line 12, strike "October 1, 1989" and insert "January 1. 1991" and on line 24 strike "1989" and insert "1990"

2. On page 3, line 8, strike "October 1, 1989" and insert "January 1. 1991" and on line 9 strike "October" and insert "January" and after the period on line 12 Insert "The proceeds from the surcharge shall be remitted monthly no later than thirty days after the end of the month in which they were collected. The surcharges collected shall be remitted together with forms to be provided by the Commission. The Commission may require an audit of any telecommunications company collecting the surcharge under this Act."

3. On page 3, line 16, strike "to" and insert ". The dual-party relay system shall assure prompt and accurate relay of all messages seven days per week. twenty-four hours per day, including holidays, and shall"

The Hall amendment was adopted with 27 ayes, 0 nays, 14 present and not voting. and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 486. E & R amendment, AM7031, found in the Journal on page 1536 for the Sixtieth Day, First Session, 1989, was adopted.

Mr. Withem renewed his pending amendment, AM0974, found in the Journal on page 1507. First Session, 1989.

The Withem amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 488. E & R amendment, AM7033, found in the Journal on page 1537 for the Sixtieth Day, First Session, 1989, was adopted.

Mr. Withem renewed his pending amendment, AM0975, found in the Journal on page 1506, First Session, 1989.

The Withem amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 488A. Advanced to E & R for engrossment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 397. Mr. Chambers withdrew his pending amendment. FA142. found in the Journal on page 1522, First Session. 1989.

Mr. Chambers renewed his pending amendment, FA150, found in the Journal on page 1602. First Session, 1989.

The Chambers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Schmit withdrew his pending amendment, AM1390, found in the Journal on page 1721, First Session, 1989.

Mr. Schmit requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 163. The pending Moore motion to indefinitely postpone was withdrawn.

Mr. R. Johnson renewed his pending amendment, AM2018, found in the Journal on page 110.

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Beck renewed her pending amendment, AM2037, found in the Journal on page 274.

The Beck amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Beck renewed her pending amendment, AM2038, found in the Journal on page 274.

The Beck amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Beck renewed her pending amendment, AM2108, found in the Journal on page 274.

Ms. Schimek, Messrs. Haberman, and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

The Beck amendment lost with 12 ayes, 14 nays, 15 present and not voting, and 8 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1148. Introduced by Smith, 33rd District; Nelson, 35th District.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1410, Reissue Revised Statutes of Nebraska, 1943; to allow closed sessions for discussion of qualifications of persons interested in filling a vacancy on a public body; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1149. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to health insurance; to amend section 44-3,131, Reissue Revised Statutes of Nebraska, 1943; to provide for the payment of expenses incurred from treatment of routine bleeding episodes associated with hemophilia; to define terms; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 1150. Introduced by Morrissey, 1st District; Dierks, 40th District.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1599 and 81-15,100, Reissue Revised Statutes of Nebraska, 1943, sections 81-15,102.01 and 81-15,107, Revised Statutes Supplement, 1988, and sections 81-1578, 81-1591, 81-15,101, 81-15,101.01, 81-15,102.02, 81-15,102.03, and 81-15,104, Revised Statutes Supplement, 1989; to redefine a term; to require certain health studies; to provide additional powers for the local monitoring committee; to change a termination time for local monitoring committees; to change provisions relating to training of first response personnel; to restrict storage or disposal of certain federally classified low-level radioactive waste; to change provisions relating to testing; to change provisions relating to compensation for loss of real property value; to change provisions relating to the conduct of the environmental impact analysis; to designate a rate review agency; to harmonize provisions; and to repeal the original sections, and also Laws 1983, LB 200, section 3.

LEGISLATIVE BILL 1151. Introduced by Morrissey, 1st District; Dierks, 40th District.

A BILL FOR AN ACT relating to radioactive waste; to adopt the Radioactive Waste Disposal Liability Act.

LEGISLATIVE BILL 1152. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to the Uniform Probate Code; to amend sections 30-2209, 30-2326, and 30-2353, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to validity and revocation of certain wills as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1153. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to real estate appraisers; to amend sections 2-1502, 44-320, and 49-14,103.01, Reissue Revised Statutes of Nebraska, 1943, sections 72-224.03, 76-706, 76-1907, and 77-2019, Revised Statutes Supplement, 1988, and section 77-1372, Revised Statutes Supplement, 1989; to adopt the Real Estate Appraiser Licensing and Certification Act; to eliminate provisions providing for licensure of appraisers and provisions establishing continuing education requirements; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 81-8,276 to 81-8,280 and 81-8,282 to 81-8,293, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1154. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1989; to exempt from sales and use tax purchases by certain rehabilitation facilities providing services to disabled individuals; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1155. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to criminal histories; to amend section 29-210, Reissue Revised Statutes of Nebraska, 1943, and section 79-488.06, Revised Statutes Supplement, 1989; to state intent; to authorize the obtaining of criminal history information on current and prospective teachers, child care providers, and persons operating school buses; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 1156. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-239 and 9-240, Reissue Revised Statutes of Nebraska, 1943, and section 9-344, Revised Statutes Supplement, 1989; to change provisions relating to taxes on bingo and pickle cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1157. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to gaming; to amend sections 9-204, 9-239, 9-240, 9-312, 9-315, 9-402, 9-411, 9-415, 9-422, 9-429, 9-502, 9-507, 9-509, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska, 1943, section 9-329, Revised Statutes Supplement, 1988, and sections 9-1,101, 9-1,104, 9-1,105, 9-226, 9-322, 9-329.02, 9-344, 9-607, 9-620, 9-632, 9-648, and 77-2704, Revised Statutes Supplement, 1989; to adopt the Nebraska State Lottery Act; to provide for a Gaming Commissioner; to change the name of the Charitable Gaming Division and certain fund names; to eliminate certain taxing authority; to exempt tickets and shares from sales tax; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 240A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 240, Ninety-first Legislature, Second Session, 1990.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 834. Placed on General File.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Tuesday, January 23, 1990, Room 1003 1:30 p.m.
Agency 03 - Legislative Council
Agency 04 - Policy Research Office
Agency 09 - Secretary of State
Agency 10 - State Auditor
Agency 37 - Worker's Compensation Court
Agency 85 - Employees Retirement Board
Agency 16 - Dept. of Revenue
Agency 65 - Dept. of Administrative Services
Agency 24 - Dept. of Motor Vehicles

Wednesday, January 24, 1990, Room 1003 1:30 p.m.
Agency 29 - Dept. of Water Resources
Agency 11 - Attorney General
Agency 64 - Nebraska State Patrol
Agency 78 - Crime Commission

Thursday, January 25, 1990, Room 1003 1:30 p.m.
Agency 05 - Supreme Court
Agency 15 - Board of Pardons and Parole
Agency 46 - Dept. of Correctional Services

Friday, January 26, 1990, Room 1003 1:30 p.m.
Agency 27 - Dept. of Roads

Monday, January 29, 1990, Room 2414 1:30 p.m.
Supreme Court Hearing Room
Agency 49 - Board of Trustees -- St Colleges
Agency 50 - Nebraska State Colleges
Agency 51 - University of Nebraska

Tuesday, January 30, 1990, Room 2414 1:30 p.m.
Supreme Court Hearing Room
Agency 48 - Postsecondary Education Coord. Comm.
Agency 83 - Technical Community Colleges
Agency 47 - Educational Telecommunications Comm.
including NEB-SAT PHASE II requests for all agencies.

Wednesday, January 31, 1990, Room 2414 1:30 p.m.
Supreme Court Hearing Room
Agency 70 - Foster Care Review Board
Agency 26 - Dept. of Social Services
Agency 25 - Dept of Public Institutions

Friday, February 2, 1990, Room 1003 1:30 p.m.
Agency 34 - Nebraska Library Commission
Agency 54 - Nebraska State Historical Society
Agency 71 - Department on Aging
Agency 20 - Dept. of Health
Agency 13 - Dept. of Education

(Signed) Jerome Warner, Chairperson

Urban Affairs

LB 853	Tuesday, January 23, 1990	1:30 p.m.
LB 1043	Tuesday, January 23, 1990	1:30 p.m.
LB 1044	Tuesday, January 23, 1990	1:30 p.m.
LB 1057	Tuesday, January 23, 1990	1:30 p.m.
LB 1076	Tuesday, January 23, 1990	1:30 p.m.
LB 1098	Tuesday, January 23, 1990	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 259. Placed on Select File as amended. (E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7093.)

LEGISLATIVE BILL 259A. Placed on Select File as amended.
E & R amendment to LB 259A:
AM7094

1. On page 1, line 4, strike "First Session, 1989" and insert "Second Session, 1990".

LEGISLATIVE BILL 534. Placed on Select File as amended.
E & R amendment to LB 534:
AM7089

1. Because of the amendment of section 49-1495 by Laws 1989, LB 815, section 2:

a. On page 1, line 3; and page 11, line 24, strike "49-1495,";

b. On page 1, line 6; and page 12, line 2, after "1943" insert ", and section 49-1495, Revised Statutes Supplement, 1989";

c. On page 3, line 1, strike "Reissue"; in line 2 strike "of Nebraska, 1943" and insert "Supplement, 1989"; and in line 11 strike the stricken "shall" and insert "will" and show as stricken; and

d. On page 4, line 3, strike the stricken language and remove the underscoring.

2. On page 1, line 9, strike "a"; and in line 10 strike "provision" and insert "provisions".

3. On page 2, line 3, after the first semicolon insert "to change the number of members required for a quorum of and action by the commission;".

LEGISLATIVE BILL 601. Placed on Select File as amended.
E & R amendment to LB 601:
AM7090

1. In the Standing Committee amendments, AM0374, on page 1, line 5, before "other" insert an underscored comma.

LEGISLATIVE BILL 730. Placed on Select File as amended.
E & R amendment to LB 730:
AM7091

1. In the Standing Committee amendments, AM0493, on page 1, line 15, strike ", which bond must", show as stricken, and insert ". Before the day fixed for assuming the duties of office, the bond shall"; in line 19 strike "a" and insert "the"; and strike beginning with "before" in line 20 through line 21, show as stricken, and insert an underscored period.
2. On page 1, line 1, strike "public power and irrigation" and insert "utility"; in line 2 strike "section" and insert "sections 14-1005 and"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 818. Placed on Select File.
LEGISLATIVE BILL 819. Placed on Select File.

LEGISLATIVE BILL 820. Placed on Select File as amended.
E & R amendment to LB 820:
AM7092

1. On page 13, line 6, reinstate the second stricken comma.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2141

1. Insert the following new section:

"Sec. 6. There is hereby imposed a fee on disposable diapers which are not biodegradable or photodegradable and which are sold at retail in this state. The fee shall be collected by the Department of Revenue from each retail vendor of disposable diapers and shall be remitted to the State Treasurer for deposit in the Waste Reduction and Recycling Incentive Fund. The fee shall equal ten cents per dozen disposable diapers which are not biodegradable or photodegradable. For purposes of this section, (1) biodegradable shall be defined as in section 69-2003, (2) photodegradable shall be defined as in section 69-2005, and (3) retail shall be defined as in section 69-2007. The department shall adopt and promulgate rules and regulations necessary for the efficient administration and collection of the fee.".

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lindsay asked unanimous consent to have his name added as co-introducer to LB 397. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as co-introducer to LB 163. No objections. So ordered.

VISITORS

Visitors to the Chamber were 35 members from the Burt County Farm Bureau; and Rod Ely and his son, John, from Guide Rock.

ADJOURNMENT

At 12:15 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Wednesday, January 17, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 17, 1990

LEGISLATIVE JOURNAL

NINTH DAY - JANUARY 17, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 17, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Dr. Al Norden, Trinity Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Hartnett, and Mrs. Labedz who were excused; and Messrs. Ashford, Bernard-Stevens, Goodrich, Hall, Lindsay, Moore, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1102 through 1135 and Governor appointments.

LB	Committee
1102	General Affairs
1103	Judiciary
1104	Nebraska Retirement Systems

1105	Nebraska Retirement Systems
1106	Urban Affairs
1107	Government, Military & Veterans Affairs
1108	Education
1109	Education
1110	Banking, Commerce & Insurance
1111	Health & Human Services
1112	Health & Human Services
1113	Judiciary
1114	Judiciary
1115	Revenue
1116	Judiciary
1117	Business and Labor
1118	Government, Military & Veterans Affairs
1119	Transportation
1120	General Affairs
1121	Government, Military & Veterans Affairs
1122	Revenue
1123	Banking, Commerce & Insurance
1124	Revenue
1125	Appropriations
1126	Appropriations
1127	Judiciary
1128	General Affairs
1129	Health & Human Services
1130	Revenue
1131	Revenue
1132	Health & Human Services
1133	Transportation
1134	Transportation
1135	Business & Labor

Natural Resources

Norman Thorson - Central Interstate Low Level Radioactive Waste Compact Commission

Health and Human Services

Timothy O. Wahl, MD - Board of Health
Dr. Joel Hutchins - Rural Health Manpower Commission

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for December 1989, from the Nebraska Department of Roads.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 821. Placed on Select File as amended.
E & R amendment to LB 821:
AM7102

1. On page 1, line 7; and page 46, line 7, strike “79-314,”.
2. On page 1, line 14; and page 46, line 12, strike “section 77-401.02” and insert “sections 77-401.02 and 79-314”.
3. On page 24, line 18, strike “Reissue”; and in line 19 strike “of Nebraska, 1943” and insert “Supplement, 1989”.
4. On page 30, line 1, strike the comma and show as stricken.

LEGISLATIVE BILL 822. Placed on Select File as amended.
E & R amendment to LB 822:
AM7101

1. On page 7, line 23, strike the comma and show as stricken.
2. On page 20, line 9, strike “Nebraska Constitution”, show as stricken, and insert “Constitution of Nebraska”.
3. On page 21, line 20, strike the comma and show as stricken.
4. On page 24, line 3, strike the comma and show as stricken.
5. On page 25, line 10, after “justice” insert an underscored comma and strike the second comma and show as stricken.
6. On page 26, line 17, strike “correction” and insert “correctional”.
7. On page 28, line 5; page 29, line 20; and page 34, line 20, strike the comma and show as stricken.
8. On page 34, lines 14 and 15, strike the

new matter and reinstate the stricken matter.

9. On page 38, line 17, strike "such" and after "section" insert "1 of this act".

LEGISLATIVE BILL 823. Placed on Select File.
LEGISLATIVE BILL 824. Placed on Select File.

LEGISLATIVE BILL 825. Placed on Select File as amended.
E & R amendment to LB 825:
AM7095

1. On page 2, lines 12 and 13, strike the new matter.

LEGISLATIVE BILL 826. Placed on Select File.
LEGISLATIVE BILL 827. Placed on Select File.

LEGISLATIVE BILL 828. Placed on Select File as amended.
E & R amendment to LB 828:
AM7097

1. On page 12, line 15, strike the new matter the reinstate the stricken matter.

2. On page 16, line 7, strike "whose deposits", show as stricken, and insert "the deposits of which".

3. On page 20, line 7, strike the comma, show as stricken, and insert "and".

4. On page 21, line 2, after "section" insert an underscored comma.

5. On page 24, line 10, reinstate the stricken comma and strike "shall be further responsible" and show as stricken.

LEGISLATIVE BILL 829. Placed on Select File as amended.
E & R amendment to LB 829:
AM7098

1. On page 1, strike beginning with "change" in line 4 through line 6 and insert "harmonize provisions with prior acts of the Legislature relating to requesting a bill of exceptions and".

(Signed) John C. Lindsay, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1158. Introduced by Goodrich, 20th District.

A BILL FOR AN ACT relating to state government; to amend section 81-820, Reissue Revised Statutes of Nebraska, 1943; to state intent; to create the Commission on State-Local Relations; to provide for membership on and powers and duties of the commission; to authorize appropriations; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1159. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-186, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the consumption of alcoholic liquor inside vehicles; and to repeal the original section.

LEGISLATIVE BILL 1160. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-320, Reissue Revised Statutes of Nebraska, 1943; to provide exceptions to the prohibition on sales to and borrowing from domestic insurance companies by officers and directors of such companies; and to repeal the original section.

LEGISLATIVE BILL 1161. Introduced by Rogers, 41st District; Robak, 22nd District; Beyer, 3rd District.

A BILL FOR AN ACT relating to life insurance; to provide for the payment of interest on delayed beneficiary payments as prescribed; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 163. Mr. R. Johnson withdrew his pending amendment, AM2126, found in the Journal on page 304.

Mr. Morrissey renewed his pending amendment, AM2133, found in the Journal on page 325.

Mr. Morrissey withdrew his pending amendment, AM2133.

Mr. Morrissey offered the following amendment:

FA327
By reinserting Section 5 of the bill.

The Morrissey amendment lost with 8 ayes, 14 nays, 22 present and not voting, and 5 excused and not voting.

Mr. Hefner renewed his pending amendment, AM2141, found in the Journal on page 346.

Mr. Hefner withdrew his pending amendment, AM2141.

Messrs. Schmit and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 163A. Title read. Considered.

Mr. R. Johnson offered the following amendment:
AM2131

1. On page 2, line 2, strike "$3,000,000" and insert "$2,635,113"; in line 3 strike "$3,000,000" and insert "$2,767,684"; and in lines 14 and 15 strike "General" and insert "Waste Reduction and Recycling Incentive Fees Collection".

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 242. Placed on General File as amended.
Standing Committee amendment to LB 242:
AM2009

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-1043, Revised Statutes Supplement, 1988, be amended to read as follows:

79-1043. (1) Any member who was or shall be drafted or shall have enlisted in the Army, Navy, Marine Corps, Air Force, Coast Guard, or any other armed service of the United States or any women's auxiliary thereof during time of war or who shall have been inducted into the armed forces of the United States during time of peace may pay to the system, within three years from the date of his or her return from active military service, an amount equal to the sum of all deductions which would have been made from the salary which he or she would have received during the first, not to exceed three, years of military service, plus regular interest thereon from the date such regular deductions would have been made to the date of repayment. If such payment be made, the board shall pay simultaneously to the system a like amount, whereupon the member shall be entitled to credit for membership service for the period for which contributions shall have been made.

(2) Under such rules and regulations as the board adopts and promulgates, any member who is or becomes an employee after the effective date of this act, who, prior to the date he or she became or becomes an employee, entered into and served in the armed forces of the United States during a declared emergency or during a period of time when there was a federal mandatory draft law in effect, and who, within two calendar years after honorable discharge or honorable separation from active duty or within one year from the date of completion of training provided in the Servicemen's Readjustment Act of 1944 or Veterans Readjustment Assistance Act of 1952, became or becomes an employee shall be credited for up to four years, or five years if the fifth year is at the request of the federal government, of the time actually served in the armed forces as if he or she had been an employee throughout the declared emergency or throughout the time of service in the armed forces under a federal mandatory draft law for purposes of determining benefits due the member from the retirement system. Such credit shall be allowed if such member has paid into the system within the later of one year from the effective date of this act or one year of becoming an employee an amount equal to the sum of the deductions which would have been made

from the member's salary had he or she been an employee during the years of military service for which a credit is sought and any contribution which the board would have been required to make for these same years plus interest which would have accrued on the amount. The payments for this credit shall be based upon the member's annual salary and retirement system contribution rates for the employee and the board in effect at the time he or she became or becomes an employee.

(3) Under such rules and regulations as the board may prescribe, any member who was away from his or her position while on a leave of absence from such position authorized by the school board or board of education of the school district by which he or she was employed at the time of such leave of absence or pursuant to any contractual agreement entered into by such school district may receive credit for such time as he or she was on leave of absence. Such time shall be included in creditable service when determining eligibility for death, disability, termination, and retirement benefits. The member who receives the credit shall earn benefits during the leave based on salary at the level received immediately prior to the leave of absence. Such credit shall be received if such member shall have paid into the system an amount equal to the sum of the deductions from his or her salary, any contribution which the school district would have been required to make had he or she continued to receive salary at the level received immediately prior to the leave of absence, and regular interest on these combined payments from the date such deductions would have been made to the date of repayment, with such deposits to be paid as the board may direct within three years of the termination of his or her leave of absence. Leave of absence shall be construed to include, but not be limited to, sabbaticals, maternity leave, exchange teaching programs, full-time leave as an elected official of a professional association or collective-bargaining unit, or leave of absence to pursue further education or study. A leave of absence granted pursuant to this section shall not exceed four years in length and in order to receive credit for the leave of absence the member must return to employment

with the Class V school district within one year after termination of the leave of absence.

Sec. 2. That section 79-1515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1515. Under such rules and regulations as the retirement board ~~shall adopt~~ adopts and promulgates, each person who was a school employee at any time prior to the establishment of ~~this~~ the retirement system and who becomes a member of the retirement system shall, within two years after becoming a member, file a detailed statement of all service as a school employee rendered by him or her prior to the date of establishment of the retirement system. In ~~; PROVIDED, that in~~ order to qualify for prior service credit toward a service annuity, a school employee, unless temporarily out of service for further professional education, for service in the armed forces, or for temporary disability, ~~must~~ shall have completed four years of service on a ~~part- or~~ full-time or part-time basis during the five calendar years immediately preceding July 1, 1945, or ~~who has~~ have completed eighteen years out of the last twenty-five years prior to July 1, 1945, full or part time, and two years out of the five years immediately preceding July 1, 1945, full or part time, or such school employee ~~must~~ shall complete, unless temporarily out of service for further professional education, for service in the armed forces, or for temporary disability, four years of service within the five calendar years immediately following July 1, 1945. In ~~; PROVIDED FURTHER, that in~~ order to qualify for prior service credit toward a service annuity, a school employee shall become a member of the school retirement system of the State of Nebraska on or before September 30, 1951, or from July 1, 1945, to the date of becoming a member, such person shall have been continuously employed in a public school in Nebraska operating under any other regularly established retirement or pension system.

(2) Any ~~; AND PROVIDED FURTHER, any~~ person who, after having served as a school employee, entered into and served~~,~~ or ~~shall enter into and serve,~~ enters into and serves in the armed forces of the United States during a declared emergency, as described and prescribed

under such rules and regulations as the retirement board ~~may adopt~~ adopts and promulgates, and who, within three calendar years after honorable discharge or honorable separation from active duty~~,~~ or within one year from the date of completion of training provided in the Servicemen's Readjustment Act of 1944 or Veterans Readjustment Assistance Act of 1952, became or becomes a school employee~~,~~ shall be credited, in determining benefits due such ~~members~~ member from the school retirement system, for ~~all~~ up to five years of the time actually served in the armed forces as if such person had been a school employee throughout such declared emergency service in the armed forces.

(3) Under such rules and regulations as the board adopts and promulgates, any member who is or becomes a school employee after the effective date of this act, who, prior to the date he or she became or becomes a school employee, entered into and served in the armed forces of the United States during a declared emergency or during a period of time when there was a federal mandatory draft law in effect, and who, within two calendar years after honorable discharge or honorable separation from active duty or within one year from the date of completion of training provided in the Servicemen's Readjustment Act of 1944 or Veterans Readjustment Assistance Act of 1952, became or becomes a school employee shall be credited for up to four years, or five years if the fifth year is at the request of the federal government, of the time actually served in the armed forces as if he or she had been a school employee throughout the declared emergency or throughout the time of service in the armed forces under a federal mandatory draft law for purposes of determining benefits due the member from the retirement system. Such credit shall be allowed if such member has paid into the system an amount equal to the sum of the deductions from his or her salary and any contribution which the school district would have been required to make during the first year of school employment plus interest which would have accrued on the amount. This section shall not apply to school employees retiring prior to the effective date of this act.

Sec. 3. That original section 79-1515, Reissue Revised Statutes of Nebraska, 1943, and section

79-1043, Revised Statutes Supplement, 1988, are repealed.”.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 1104	Wednesday, January 24, 1990	5:00 p.m. - 7:00 p.m.

(Signed) Rex Haberman, Chairperson

Revenue

LB 992	Wednesday, January 24, 1990	1:30 p.m.
LB 894	Wednesday, January 24, 1990	1:30 p.m.
LB 1028	Wednesday, January 24, 1990	1:30 p.m.
LB 932	Thursday, January 25, 1990	1:30 p.m.
LB 909	Thursday, January 25, 1990	1:30 p.m.
LB 1079	Thursday, January 25, 1990	1:30 p.m.
LR 236CA	Thursday, January 25, 1990	1:30 p.m.
LB 1115	Thursday, January 25, 1990	1:30 p.m.

(Signed) Tim Hall, Chairperson

Government, Military and Veterans Affairs

LB 1107	Wednesday, January 24, 1990	1:30 p.m.
LB 890	Wednesday, January 24, 1990	1:30 p.m.
LB 924	Wednesday, January 24, 1990	1:30 p.m.
LB 990	Wednesday, January 24, 1990	1:30 p.m.
LB 1118	Wednesday, January 24, 1990	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Judiciary

LB 978	Wednesday, January 24, 1990	1:30 p.m.
LB 1018	Wednesday, January 24, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Health and Human Services

LB 871	Wednesday, January 24, 1990	1:30 p.m.
LB 1046	Wednesday, January 24, 1990	1:30 p.m.
LB 1047	Wednesday, January 24, 1990	1:30 p.m.
LB 917	Thursday, January 25, 1990	1:30 p.m.
LB 1085	Thursday, January 25, 1990	1:30 p.m.
LB 954	Thursday, January 25, 1990	1:30 p.m.
LB 946	Thursday, January 25, 1990	1:30 p.m.
LB 888	Friday, January 26, 1990	1:30 p.m.
LB 1080	Friday, January 26, 1990	1:30 p.m.

(Signed) Don Wesely, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1162. Introduced by Smith, 33rd District; Hall, 7th District; Lynch, 13th District.

A BILL FOR AN ACT relating to the Department of Social Services; to amend section 68-1206, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to change provisions relating to rates for contracts for social services; to provide a duty for the department; and to repeal the original section.

LEGISLATIVE BILL 1163. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to court reporters; to amend section 24-1003, Reissue Revised Statutes of Nebraska, 1943; to prohibit official court reporters from soliciting additional business as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1164. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 25-223, 25-224, and 81-15,102, Reissue Revised Statutes of Nebraska, 1943, section 81-15,112.01, Revised Statutes Supplement, 1988, and sections 81-1578, 81-15,101.01, and 81-15,106, Revised Statutes Supplement, 1989; to provide an additional power for the local monitoring committee; to change a provision relating to title to radioactive material; to require the publication of a shipment date and transportation route for waste accepted for disposal; to change provisions relating to liability; to provide a rebuttable presumption; to change provisions relating to limitation of actions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1165. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to public funds; to amend section 77-2363, Revised Statutes Supplement, 1989; to provide for actions to recover funds of metropolitan transit authorities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1166. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to storage; to adopt the Self-Service Storage Act.

LEGISLATIVE BILL 1167. Introduced by Moore, 24th District; Nelson, 35th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to provide for the conveyance of an easement for the installation of utility lines; and to provide for the conveyance of real property to the city of Milford, Nebraska.

LEGISLATIVE BILL 1168. Introduced by Schmit, 23rd District; Baack, 47th District.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1505 and 81-1505.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fees paid by applicants for permits to operate hazardous waste facilities; and to repeal the original sections.

LEGISLATIVE BILL 1169. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Legislative Initiative Moderating and Inhibiting Taxes Act (LIMIT).

RESOLUTION

LEGISLATIVE RESOLUTION 240CA. Introduced by Moore, 24th District; Hall, 7th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VII, section 10.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VII, section 10, which is hereby proposed by the Legislature:

CVII-10 "(1) The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board to be designated the Board of Regents of the University of Nebraska. The board shall be composed of not less than six nor more than eight ~~regents to be designated the Board of Regents of the University of Nebraska,~~ members who shall be elected from and by districts as herein provided and ~~three students of~~ two nonvoting student members and one voting student member from the University of Nebraska. ~~who shall serve as nonvoting members.~~ Such ~~nonvoting~~ student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law. ~~;~~ and they shall receive no compensation~~,~~ but may be reimbursed their actual expenses incurred in the discharge of their duties.

(2) The University of Nebraska, with its three campuses, serves the educational needs of thousands of people who have chosen the university to continue their education. It is the duty of the university and the desire of its administration to meet the needs of its students by providing the best education within the most positive environment possible. The student members of the Board of Regents provide the elected regents with direct access to the university's campuses and are in a position to have first-hand knowledge of the students' most urgent needs. Although the student members are not elected, do not serve six-year terms, and do not each have a vote on matters presented to the Board of Regents, the student members do represent a constituency of students on their campuses and in their positions

as students and student leaders warrant a vote on matters affecting their constituency. On or before January 1 of each year the Governor shall appoint one of the student members of the Board of Regents to serve as a voting member of the Board of Regents for a one-year term, except that no university campus shall be represented by a voting student member in consecutive years. The student regent with voting privileges shall be enrolled at a university campus and shall forfeit his or her voting privileges when not enrolled at such university campus.

(3) The Legislature shall divide the state, along county lines, into as many compact regent districts~~,~~ as there are regents provided by the Legislature~~,~~ of approximately equal population, which districts shall be numbered consecutively. The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable~~,~~ but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that a student member of the Board of Regents shall be entitled to vote on matters voted upon by the Board of Regents.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

SELECT FILE

LEGISLATIVE BILL 257. E & R amendment, AM5019, found in the Journal on page 449 for the Fifteenth Day, First Session, 1989, was adopted.

Mrs. Pirsch withdrew her pending amendment, AM0585, found in the Journal on page 886, First Session, 1989.

Mr. Withem withdrew his pending amendment, AM0804, found in the Journal on page 1088, First Session, 1989.

Mr. Baack renewed his pending amendment, AM1305, found in the Journal on page 1598, First Session, 1989.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Baack amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Ms. Scofield renewed her pending amendment, AM1863, printed separately from the Journal and referred to on page 2426, First Session, 1989.

Messrs. Rogers, R. Johnson, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer requested a ruling of the Chair on whether the Scofield amendment is germane to the bill.

The Chair ruled the Scofield amendment is germane to the bill.

Mr. Schmit challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes. 1 nay, and 35 not voting.

Ms. Scofield requested a roll call vote on the Schmit motion to overrule the Chair.

Voting in the affirmative, 23:

Ashford
Beck
Byars
Conway
Crosby
Elmer
Goodrich
Hall
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Moore
Pirsch
Robak
Schmit
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 15:

Abboud
Bernard-Stevens
Chambers
Coordsen
Dierks
Haberman
Landis
Lynch
McFarland
Morrissey
Nelson
Schellpeper
Schimek
Scofield
Smith

Present and not voting, 5:

Baack
Beyer
Lindsay
Peterson
Withem

Excused and not voting, 6:

Barrett
Chizek
Hartnett
Johnson, R.
Labedz
Rogers

The Schmit motion to overrule the Chair prevailed with 23 ayes, 15 nays, 5 present and not voting, and 6 excused and not voting.

The Chair was overruled.

The Chair declared the call raised.

Advanced to E & R for engrossment.

MOTION - Suspend Rules

Mr. Landis renewed his pending motion, found in the Journal on page 303, to suspend the rules and read LB 272A on Final Reading.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Landis requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 27:

Abboud
Ashford
Bernard-Stevens
Byars
Chambers
Coordsen
Crosby
Dierks
Hall
Johnson, R.
Korshoj
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Robak
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 13:

Baack
Barrett
Beck
Beyer
Conway
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb

Present and not voting, 5:

Langford
Peterson
Pirsch
Schellpeper
Weihing

Excused and not voting, 4:

Chizek
Hartnett
Labedz
Rogers

The Landis motion to suspend the rules lost with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 969	Wednesday, January 24, 1990	1:30 p.m.
LB 987	Wednesday, January 24, 1990	1:30 p.m.
LB 1041	Wednesday, January 24, 1990	1:30 p.m.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

AM2156

(Amendments to AM7093)

1. On page 3, line 10, strike "1991" and insert "1992".

MOTION - Rerefer LB 1114

Mr. Lamb moved pursuant to Rule 6, Section 2 that LB 1114 be rereferred from the Judiciary Committee to the Transportation Committee.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 241CA. Introduced by Hall, 7th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, section 24.

NOW. THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article III, section 24, which is hereby proposed by the Legislature:

CIII-24 "The Legislature shall not authorize any game of chance. ~~nor any~~ lottery, or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time, except that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises and shall establish a state lottery.

The Legislature shall establish a state lottery to (1) raise revenue in the most efficient manner available and (2) ensure that a state lottery is adequately policed and regulated. The net proceeds of a state lottery shall be appropriated by the Legislature for the costs of establishing and continuing such state lottery and as the Legislature directs. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require the Legislature to establish a state lottery and to provide for the use of proceeds from a state lottery.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1170. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District: Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to allow the statutory limit for the National Guard tuition credit program to be reached; and to declare an emergency.

LEGISLATIVE BILL 1171. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1722, Reissue Revised Statutes of Nebraska, 1943; to provide for the assessment of costs to building owners or landowners whose building or land has been declared a public nuisance; to provide for enforcement; and to repeal the original section.

LEGISLATIVE BILL 1172. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to elections; to amend section 32-530, Reissue Revised Statutes of Nebraska, 1943; to change provisions for providing partisan ballots to unaffiliated voters in primary elections; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 1173. Introduced by Hefner, 19th District; Coordsen, 32nd District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Revised Statutes Supplement, 1989; to provide for the disqualification of benefits for individuals discharged for use of a controlled substance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1174. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-711, Revised Statutes Supplement, 1988; to change provisions relating to interest on amounts deposited with the court; and to repeal the original section.

LEGISLATIVE BILL 1175. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3512 and 77-3517, Revised Statutes Supplement, 1989; to provide for a waiver of the filing deadline for the homestead exemption for certain circumstances; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1176. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to property taxes; to amend sections 77-3508 and 77-3513, Revised Statutes Supplement, 1988; to provide a homestead exemption for blind individuals as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1177. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to law enforcement officers; to amend sections 23-1704.01, 81-2001, 81-2002, and 84-106, Reissue Revised Statutes of Nebraska, 1943; to require certain law enforcement officers to be residents of the state and residents of a political subdivision as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1178. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to labor; to amend section 48-1232, Revised Statutes Supplement, 1989; to change provisions relating to claims and judgments against an employer by an employee; and to repeal the original section.

LEGISLATIVE BILL 1179. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to ethanol and gasohol; to amend section 66-418.03, Revised Statutes Supplement, 1988, and section 57-705, Revised Statutes Supplement, 1989; to provide for a refund of the ethanol excise tax; to transfer funds in certain funds as prescribed; to provide duties for certain commodity development boards; to repeal the Ethanol Authority and Development Act and the Nebraska Gasohol and Energy Development Act; to eliminate the Nebraska Gasohol Committee; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 2-2508 to 2-2515, 58-239.01, 66-467, 66-468 to 66-472, 66-801 to 66-816, 66-819 to 66-824, 66-1305, 66-1309 to 66-1314, 66-1316, and 66-1320, Reissue Revised Statutes of Nebraska, 1943, sections 66-1308, 66-1319, 66-1324, and 66-1325, Revised Statutes Supplement, 1988, and sections 66-467.01, 66-1301 to 66-1304, 66-1306 to 66-1307.02, 66-1315, 66-1317, and 66-1321 to 66-1323, Revised Statutes Supplement, 1989; and to declare an emergency.

LEGISLATIVE BILL 1180. Introduced by L. Johnson, 15th District.

A BILL FOR AN ACT relating to Class VI school districts; to eliminate provisions requiring the payment of tuition by the district for students attending another high school in the same county; and to repeal sections 79-1103.02 and 79-1103.03, Reissue Revised Statutes of Nebraska, 1943.

VISITORS

Visitors to the Chamber were 35 seventh and eighth grade students and teacher from Clay Center Public School; Gloria Koch, Jeanette Weatherholt, Ethel Weatherholt, and Marci Poeschl from Stanton; and Jill Fritzen from Minden.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Thursday, January 18, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 18, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Father Don Hanway, St. Mark's Episcopal, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Chambers, Conway, Haberman, Hall, Lindsay, McFarland, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 858. Placed on General File.
LEGISLATIVE BILL 875. Placed on General File.
LEGISLATIVE BILL 891. Placed on General File.

LEGISLATIVE BILL 910. Placed on General File as amended.
Standing Committee amendment to LB 910:
AM2148

1. On page 10, strike beginning with "an" in

line 24 through "plate" in line 25 and insert "a fee of six dollars per trailer or semitrailer".

2. On page 12, strike beginning with "an" in line 2 through "plate" in line 4 and insert "a fee of six dollars per trailer or semitrailer"; and in line 17 strike "and plate fees" and insert "fee".

3. On page 30, line 10, after "plates" insert "but not including permanent license plates issued for a trailer or semitrailer pursuant to section 4 of this act".

LEGISLATIVE BILL 394. Indefinitely postponed.
LEGISLATIVE BILL 847. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Natural Resources

LEGISLATIVE BILL 906. Placed on General File.
LEGISLATIVE BILL 907. Placed on General File.
LEGISLATIVE BILL 1013. Placed on General File.

The Committee on Natural Resources desires to report favorably upon the reappointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Lawrence R. Myers - Nebraska Power Review Board

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, R. Johnson, Morrissey, and Weihing. Absent: Senator Smith.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 865	Monday, January 29, 1990	1:30 p.m.
LB 916	Monday, January 29, 1990	1:30 p.m.
LB 986	Monday, January 29, 1990	1:30 p.m.
LB 901	Monday, February 5, 1990	1:30 p.m.
LB 991	Monday, February 5, 1990	1:30 p.m.

(Signed) George Coordsen, Chairperson

Natural Resources

Governor Appointments Thursday, January 25, 1990 1:30 p.m.
John Mason - Oil and Gas Conservation
Raymond J. Hajek - Nebr. Power Review Board

LB 973	Thursday, January 25, 1990	1:30 p.m.
LB 1099	Thursday, January 25, 1990	1:30 p.m.

(Signed) Loran Schmit, Chairperson

REPORT

Received annual report from Disabled Persons and Family Support Program, Department of Social Services, for the year ended June 30, 1989.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1056, referral of legislative bills 1136 through 1171, and legislative resolutions 239CA through 241CA.

LB	**Committee**
1056	Government, Military & Veterans Affairs
1136	Banking, Commerce & Insurance
1137	Judiciary
1138	Natural Resources
1139	Transportation
1140	Revenue
1141	Education
1142	Revenue
1143	Appropriations
1144	Judiciary
1145	Judiciary
1146	Banking, Commerce & Insurance
1147	Judiciary
1148	Government, Military & Veterans Affairs
1149	Banking, Commerce & Insurance
1150	Natural Resources
1151	Judiciary

1152	Judiciary
1153	Banking, Commerce & Insurance
1154	Revenue
1155	Government, Military & Veterans Affairs
1156	Revenue
1157	General Affairs
1158	Government, Military & Veterans Affairs
1159	General Affairs
1160	Banking, Commerce & Insurance
1161	Banking, Commerce & Insurance
1162	Health & Human Services
1163	Judiciary
1164	Natural Resources
1165	Banking, Commerce & Insurance
1166	Judiciary
1167	Health & Human Services
1168	Natural Resources
1169	Revenue
1170	Appropriations
1171	Urban Affairs

LR	**Committee**
239CA	Education
240CA	Education
241CA	General Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1181. Introduced by Coordsen, 32nd District.

A BILL FOR AN ACT relating to ground water; to amend section 46-674.19, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the power of special ground water protection areas to levy a tax; and to repeal the original section.

LEGISLATIVE BILL 1182. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1989; to change provisions for disbursement of a tax as prescribed; to create a fund and provide for use of money credited to the fund; to eliminate obsolete language; and to repeal the original section.

LEGISLATIVE BILL 1183. Introduced by Byars, 30th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1726, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the collection of taxes from corporations and companies; to provide and change penalties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1184. Introduced by Scofield, 49th District; Smith, 33rd District; Baack, 47th District; Nelson, 35th District; Schimek, 27th District; Dierks, 40th District; Coordsen, 32nd District; Hall, 7th District; Bernard-Stevens, 42nd District; Weihing, 48th District; Elmer, 38th District; Rogers, 41st District; Kristensen, 37th District; Robak, 22nd District; Conway, 17th District.

A BILL FOR AN ACT relating to airlines; to adopt the Nebraska State Airline Authority Act; and to declare an emergency.

LEGISLATIVE BILL 1185. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to auctioneers; to amend sections 25-1536, 25-2144, 54-1186, 69-1331, and 79-1066, Reissue Revised Statutes of Nebraska, 1943; to adopt the Auctioneer Licensing Act; to require certain sales to be conducted by licensed auctioneers; to eliminate provisions relating to municipal regulation of auctioneers and nonresident auctioneers; to harmonize provisions; and to repeal the original sections and also sections 14-109, 15-217, 16-237, and 81-887.01 to 81-887.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1186. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to emergency medical services; to amend section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,114.01, Revised Statutes Supplement, 1989; to establish additional court costs and provide for distribution thereof; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 1187. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Medical Student Assistance Act; to amend sections 71-5632.01 and 71-5633, Reissue Revised Statutes of Nebraska, 1943; to provide that loans made under the act be interest free as prescribed; to harmonize provisions; to eliminate an obsolete provision requiring a report; and to repeal the original sections, and also section 71-5644, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1188. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to health care; to amend sections 68-1031 and 68-1032, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for reimbursement of certain vendors under the medical assistance program at a certain level as prescribed; to create the Office of Rural Health; to provide responsibilities for the office; and to repeal the original sections.

LEGISLATIVE BILL 1189. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Supplement, 1989; to provide an income tax credit for physicians and surgeons, physician assistants, and nurses practicing in rural areas as prescribed; to provide a termination date; to provide for rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1190. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Consultants' Competitive Negotiation Act; to amend sections 81-1705, 81-1708, 81-1709, and 81-1712, Reissue Revised Statutes of Nebraska, 1943; to provide for the application of the act to public power districts; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1191. Introduced by Schmit, 23rd District; Elmer, 38th District.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-310, Uniform Commercial Code; to change a provision relating to the priority of certain liens; and to repeal the original section.

LEGISLATIVE BILL 1192. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to provide for the review of claims for services provided by health care professionals as prescribed.

LEGISLATIVE BILL 1193. Introduced by Weihing, 48th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Revised Statutes Supplement, 1989; to change provisions relating to unfair methods of competition or unfair or deceptive acts or practices and to provide for an independent cause of action for any person injured by such actions as prescribed; to provide for damages; and to repeal the original section.

LEGISLATIVE BILL 1194. Introduced by Chizek, 31st District; Lynch, 13th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3702, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to commitment of a person acquitted on grounds of insanity; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 161. Considered.

Standing Committee amendment, AM0730, found in the Journal on page 1028 for the Forty-Second Day, First Session, 1989, was considered.

SPEAKER BARRETT PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to bracket LB 161 until February 23, 1990. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1195. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,140.10 and 79-4,140.13, Revised Statutes Supplement, 1988; to provide for Educational Technology Satellite Centers in rural Nebraska; to provide powers and duties for the centers and the State Department of Education; and to repeal the original sections.

LEGISLATIVE BILL 1196. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to snowmobiles; to amend sections 37-1102, 60-2001, 60-2003, 60-2004, 60-2005, 60-2009, 60-2009.01, 60-2010.01, 60-2010.02, 60-2013, 60-2018.01, and 60-2021, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change registration fees as prescribed; to change the disposition of registration fees; to create funds; to provide and change powers and duties; to permit snowmobile operation as prescribed; to change provisions relating to snowmobile safety certificates; to allow for educational materials; to provide for negligent operation; to limit liability as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also section 60-2016, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1197. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to the enrollment option program; to amend section 79-3403, Revised Statutes Supplement, 1989; to provide an exception to the program; and to repeal the original section.

LEGISLATIVE BILL 1198. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to enhance divisions of the Department of Insurance and provide for the development of data systems software.

LEGISLATIVE BILL 1199. Introduced by Landis, 46th District.

A BILL FOR AN ACT relating to credit agreements; to amend sections 45-1,112 to 45-1,115, Revised Statutes Supplement, 1989; to define and redefine terms; to change a notice provision; to provide an exemption; to change a provision relating to implied agreements; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 1200. Introduced by Kristensen, 37th District.

A BILL FOR AN ACT relating to the Legislature; to create the position of Counsel to the Legislature; to provide for selection of the counsel; to provide powers and duties; and to provide for treatment of communications between the counsel and members and staff of the Legislature.

LEGISLATIVE BILL 1201. Introduced by Robak, 22nd District.

A BILL FOR AN ACT relating to schools; to amend sections 79-102 and 79-1101, Reissue Revised Statutes of Nebraska, 1943; to provide for regional high schools; to eliminate certain references to Class VI school districts; and to repeal the original sections.

LEGISLATIVE BILL 1202. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1242.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the exemption of motor vehicles of members of the armed forces of the United States; and to repeal the original section.

LEGISLATIVE BILL 1203. Introduced by Chizek, 31st District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to civil procedure; to establish a presumption in certain court proceedings; and to provide a penalty for fraudulent use of the presumption.

LEGISLATIVE BILL 1204. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 13-911, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to liability for damage or injury to innocent third parties; and to repeal the original section.

LEGISLATIVE BILL 1205. Introduced by Chizek, 31st District; Ashford, 6th District.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-416, 29-901, 29-2262, and 83-1,116, Reissue Revised Statutes of Nebraska, 1943; to prohibit offering to deliver or dispense controlled substances and purchasing or soliciting the purchase of controlled substances; to provide penalties; to require drug and alcohol testing of certain criminal offenders; to provide a condition for bail, probation, and parole; to authorize house arrest; to authorize a correctional facility; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1206. Introduced by Schimek, 27th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-4,104, 32-546, 32-548, and 32-556, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to selection of presidential electors; to require presidential electors to cast their votes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1207. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

A BILL FOR AN ACT relating to educational telecommunications; to state intent; and to appropriate funds.

LEGISLATIVE BILL 1208. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3508, 77-3513, and 77-3514, Revised Statutes Supplement, 1988; to provide for a homestead exemption for certain blind persons as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1209. Introduced by Hartnett, 45th District; Withem, 14th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to public defenders; to amend section 29-1804, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the private practice of law by certain public defenders; and to repeal the original section.

LEGISLATIVE BILL 1210. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to state government; to amend section 50-419, Reissue Revised Statutes of Nebraska, 1943, and section 84-612, Revised Statutes Supplement, 1989; to require certain statements of General Fund receipts; to require the transfer of funds as prescribed; to provide calculations for the General Fund Budget Limitation; to provide duties for the Legislative Fiscal Analyst and the Director of Administrative Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1211. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to crimes and penalties; to require appropriations for laws enacted which increase total inmate populations in state correctional facilities; and to provide for the use of such appropriations.

LEGISLATIVE BILL 1212. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2259, 29-2262, and 29-2269, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for intensive supervision probation programs and to provide and change provisions relating to sentencing as prescribed; to provide certain powers and duties for the Supreme Court; to provide for costs of drug testing and electronic surveillance equipment; to create a fund; to change certain conditions of a sentence; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1213. Introduced by Hartnett, 45th District; Beyer, 3rd District; Morrissey, 1st District.

A BILL FOR AN ACT relating to environmental protection; to adopt the Local Solid Waste Management Control Act.

LEGISLATIVE BILL 1214. Introduced by Hartnett, 45th District; Ashford, 6th District.

A BILL FOR AN ACT relating to economic development; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.07, Revised Statutes Supplement, 1989; to state intent; to define a term; to provide powers and duties for the Department of Economic Development and urban enterprise associations; to provide for the designation of enterprise zones; to provide procedures and conditions; to create urban enterprise associations; to provide for rules and regulations; to authorize exemptions from certain ordinances as prescribed; to provide certain tax credits; to harmonize provisions and to repeal the original sections.

LEGISLATIVE BILL 1215. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701.01, Revised Statutes Supplement, 1988; to change the income tax rate; to change the sales tax rate; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1216. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to the Veterans' Home Building Fund; to amend section 80-301.02, Reissue Revised Statutes of Nebraska. 1943; to authorize use of the fund for improving nursing facilities; and to repeal the original section.

LEGISLATIVE BILL 1217. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend section 69-2113, Revised Statutes Supplement, 1989; to change provisions relating to a lessor's liability to a consumer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1218. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to school financing; to amend sections 13-501, 77-2701.02, 77-27,142, 77-27,143, 77-27,144, 77-27,146, 77-27,147, 79-490, 79-12,145, and 79-1369, Reissue Revised Statutes of Nebraska, 1943, sections 77-678 and 77-2701.01, Revised Statutes Supplement, 1988, sections 72-1237.01, 79-451, and

79-4,102, Revised Statutes Supplement, 1989, and section 77-202, Revised Statutes Supplement, 1988, as amended by section 2, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989; to adopt the School District Support Act; to provide for ratification of a budget; to increase the income tax; to increase the sales tax; to eliminate state aid to governmental subdivisions; to authorize municipalities and counties to impose a sales and use tax; to provide for a reduction in force program; to eliminate the corporate income tax; to eliminate the Employment and Investment Growth Act; to eliminate provisions relating to aid to governmental subdivisions; to eliminate provisions relating to elections in the Local Option Revenue Act; to eliminate provisions relating to reduction in force of teachers; to eliminate the School Foundation and Equalization Act; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 77-2734.03, 77-2734.06, 77-2734.08, 77-2734.10 to 77-2734.15, 77-27,136 to 77-27,137.02, 77-27,139, 77-27,142.01 to 77-27,142.05, 79-1254.05, 79-1254.06, 79-1254.08, 79-1332, 79-1332.01, 79-1333.01, 79-1334, 79-1336 to 79-1340, 79-1342 to 79-1344.01, and 79-1368, Reissue Revised Statutes of Nebraska, 1943, sections 77-2734.01, 77-2734.02, 77-2734.04, 77-2734.05, 77-2734.07, 77-2734.09, 77-2734.16, 77-4101 to 77-4112, 79-1254.07, 79-1335, and 79-1344.03, Revised Statutes Supplement, 1988, and sections 79-1330, 79-1331, 79-1333, 79-1333.02, and 79-1344.02, Revised Statutes Supplement, 1989; and to declare an emergency. Revised Statutes Supplement, 1989; and to declare an emergency.

LEGISLATIVE BILL 1219. Introduced by L. Johnson, 15th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,147, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to point of sale as prescribed; to provide an operative date; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 242CA. Introduced by Warner, 25th District; Schmit, 23rd District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VII, section 1.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VIII, section 1, which is hereby proposed by the Legislature:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation~~ The Legislature shall provide that taxes be levied uniformly and proportionately upon all tangible property and franchises either by valuation or by earning capacity value, which earning capacity value does not need to reflect the market value of the property, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state~~,~~ and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The ~~;~~ ~~PROVIDED, that such~~ tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of ~~said~~ such county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses~~,~~ and may prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. ~~The Legislature may~~ If the Legislature provides that taxes are to be levied by valuation, it may also provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize the Legislature to levy taxes upon tangible property and franchises either by valuation or by earning capacity value, which earning capacity value does not need to reflect the market value of the property.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 243CA. Introduced by Hartnett, 45th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VIII, sections 1 and 2.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VIII, sections 1 and 2, which is hereby proposed by the Legislature:

CVIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the~~

The Legislature shall classify all tangible property for taxation purposes into the following four classes: (1) Real property used for residential purposes; (2) real property used for commercial or industrial purposes; (3) real property used for agricultural and horticultural purposes; and (4) tangible personal property. The Legislature shall make the determination of the appropriate classification based upon the use, function, and income-producing capacity of the property and may provide for proportionate classification of a property into more than one of the stated classes when the property has more than one use. Each class of property shall be a separate and distinct class for taxation purposes, and the Legislature may provide for a different method of valuation for each class. Within each such class, taxes shall be levied by valuation uniformly and proportionately, except that the Legislature may provide for additional classifications of personal property and may provide for the exemption of any such subclassifications or the Legislature may exempt all personal property from taxation.

The Legislature may provide for a different method of taxing motor vehicles, ~~and~~ may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature, and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state~~,~~ and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The ~~:~~ ~~PROVIDED, that such~~ tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of ~~said~~ the county on tangible personal ~~tangible~~ property.

The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses~~,~~ and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values.

The Legislature may provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation.

Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation.

Taxes, other than property taxes, may be authorized by law. ~~Existing revenue laws shall continue in effect until changed by the Legislature.~~ The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year."

CVIII-2 "The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation. The value of a home substantially contributed by the ~~Veterans' Administration of the~~ United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death ~~of his widow or her remarriage~~ or remarriage of his or her spouse. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. ~~The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation.~~ No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to provide for the classification of tangible property for taxation purposes and to authorize a different method of valuation for each class.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1084	Thursday, January 25, 1990	1:30 p.m.
LB 1121	Thursday, January 25, 1990	1:30 p.m.
LB 852	Thursday, January 25, 1990	1:30 p.m.
LB 872	Thursday, January 25, 1990	1:30 p.m.

(Signed) Dennis Baack, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 983. Placed on General File.
LEGISLATIVE BILL 984. Placed on General File.

LEGISLATIVE BILL 981. Placed on General File as amended.
Standing Committee amendment to LB 981:
AM2152

1. On page 2, line 22, after "underwrites" insert "in any one quarter or year"; and in line 25 strike "in any one quarter or year".

2. On page 3, line 3, after "include" insert "an attorney in fact for a reciprocal or interinsurance exchange."; and in lines 17 and 18 and 23 and 24 strike "as an agent or broker in this state" and insert "in accordance with the Insurance Producers Licensing Act".

3. On page 5, line 12, strike "according to section 44-4039" and insert "as determine by the director".

4. On page 6, line 1, strike "section 44-522" and insert "applicable insurance statutes and regulations"; after line 1 insert the following new subdivision:

"(7) Specific provisions relating to remuneration of the managing general agent by the insurer;"; and in line 2 strike "(7)" and insert "(8)".

5. On page 7, line 8, strike "(8)" and insert "(9)"; and in line 11 strike "(9)" and insert "(10)".

6. On page 8, line 25, after "insurer" insert "appointed by the managing general agent".

7. On page 9, line 2, strike "with" and insert "by"; and in line 5 after "independent" insert "audit or".

8. On page 10, strike beginning with "An" in line 15 through "agents" in line 17 and insert "No officer, director, employee, or controlling shareholder of the insurer's managing general agent shall be appointed to its board of directors"; strike beginning with "The" in line 20 through the period in line 22; and in line 23 after "examined" insert "by the department".

9. On page 12, lines 2 and 5, strike "September 1, 1990" and insert "January 1, 1991".

LEGISLATIVE BILL 982. Placed on General File as amended.
Standing Committee amendment to LB 982:
AM2151

1. On page 4, line 10, after "organization" insert "and shall include both subscribers and dependents of subscribers".

2. On page 9, line 20, strike "enrollees" and insert "subscribers".

3. On page 15, line 2, after "of" insert "basic".

4. On page 28, line 3, after the semicolon insert "or"; and strike beginning with the semicolon in line 9 through "director" in line 22.

5. On page 36, strike beginning with "becomes" in line 11 through "director" in line 12 and insert "is determined to be insolvent and ordered liquidated by a court of competent jurisdiction, upon

such order”; in line 12 strike “that” and insert “which”; in line 14 after “period” insert “and which are providing coverage for enrollees on the date of the court order”; in line 15 strike “enrollees” and insert “subscribers”; and strike beginning with “insolvency” in line 17 through “its” in line 21 and insert “the court order. The subscribers transferring from the insolvent health maintenance organization shall be entitled to coverage on the same terms and at the same rates as they would have obtained had they elected the other carrier at the”.

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 259. E & R amendment, AM7093, printed separately from the Journal and referred to on page 345 for the Eighth Day, was adopted.

Mr. Haberman renewed his pending amendment, AM2156, found in the Journal on page 365.

The Haberman amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Dierks offered the following amendment:
AM2157

(Amendments to AM7093)

1. On page 9, line 6, after “accepted” insert “or rejected”; in line 7 after “district” insert “, but in either case such petition to affiliate shall be accepted or rejected within sixty days of the date of receipt of the petition by the board of education of such district”; and in line 14 after “rejection” insert “, and the board of education receiving such petition for affiliation shall either accept or reject such petition within sixty days of the date of receipt of such petition”.

The Dierks amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Coordsen offered the following amendment:

FA328

Page 38, lines 5 and 6 - strike the words "sections 1 to 4, 8 to 10, 16 to 21, 23 to 28, and 32 of".

Page 38, line 6 - after the word "act" insert the words "or any part hereof".

Page 38, line 7 - strike the word "and" and insert the word "or".

Page 38, line 9 - strike the word "and" and insert the word "or".

Page 38, line 10 - after the word "bill" insert: ", or any one or more thereof,".

Page 38, lines 16 and 17 - strike the words "of sections 1 to 4, 8 to 10, 16 to 21, 23 to 28, and 32".

Page 38, line 17 - after the word "act" insert the words "or any part hereof".

Page 38, line 17 - strike the word "and" and insert the word "or".

Page 38, line 20 - strike the word "and" and insert the word "or".

Page 38, line 21 - after the word "bill" insert: ", or any one or more thereof,".

Page 38, immediately following line 24 - insert the following: " (3) The Attorney General shall, not later than 10 days after the effective date of this act, file an action in the Nebraska Supreme Court, seeking a declaratory judgment on the constitutionality of this act and the various parts hereof. The Nebraska Supreme Court shall advance said action on its docket ahead of other pending litigation to the extent necessary to enable the court to render its judgment on this action not later than December 31, 1990."

The Coordsen amendment lost with 14 ayes, 17 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Withem offered the following amendment:
AM2140

(Amendments to AM7093)

1. On page 4, line 11, before "The" insert "(1)".

2. On page 5, line 5, before "Petitions" insert "(2)"; and in lines 9 and 19 strike "of schools" and show as stricken.

3. On page 6, line 2, before "Petitions" insert "(3)(a)"; in line 11 after "reorganization" insert ", except that an affiliation petition shall not be submitted to the state committee and the county committee's approval or disapproval shall be final" and after the period insert paragraphing and "(b)"; in line 18 after the period insert paragraphing and "(c)" and

strike "also,", show as stricken, and insert an underscored comma; in line 19 after "proposal" insert "or of the committee's final approval or disapproval of an affiliation petition"; and in lines 23 and 24 strike the new matter.

4. On page 7, lines 1 to 3, strike the new matter: in line 6 after the period insert paragraphing and "(d)"; in line 13 after the period insert paragraphing and "(4)"; and in line 20 after the period insert paragraphing and "(5)".

5. On page 12, line 17; and page 16, line 5, after "reflect" insert "projected Class I".

6. On page 14, line 17, after the period insert "The plans may include plans for the affiliation of school districts."; and in lines 21 and 22 strike the new matter.

7. On page 18, line 10, strike "of" and insert "for"; in line 13 after "(1)" insert "For each such high school district, a preliminary high school levy for all Class I property in the county which is affiliated with the high school district shall be computed by dividing the sum of the taxable assessed valuation of the property in the county in each Class I district or portion of a Class I district affiliated with the high school district into the affiliated Class I share of the high school portion of budgeted current operational expense for the high school district as determined pursuant to subdivision (3) of section 17 of this act;

(2)"; and strike beginning with "computed" in line 15 through "(2)" in line 24 and insert "the preliminary high school levy computed pursuant to subdivision (1) of this section; and

(3)".

8. On page 19, line 3, after "The" insert "preliminary"; strike beginning with the first "the" in line 23 through "district" in line 24; and in line 24 after "year" insert "the preliminary high school levy calculated pursuant to subdivision (1) of section 18 of this act for the Class I district property in such county".

9. On page 26, lines 11 and 24, strike "budgeted" and insert "budget of"; and in line 18 after "of" insert "the" and after "budget" insert "of".

10. On page 27, lines 1, 4, 6, 8, 10, and 15, strike "expense" and insert "expenses"; in lines 4, 6, 8, 10, and 15 strike "budgeted" and insert "budget of"; and in line 8 after "in" insert "the".

11. On page 29, strike beginning with the second comma in line 21 through "located" in line 23.

12. On page 30, strike beginning with the second comma in line 10 through "located" in line 12.

13. On page 35, line 16, strike "should", show as stricken, and insert "shall".

PRESIDENT NICHOL PRESIDING

The Withem amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment:
AM2121

(Amendments to E & R amendments, AM7093)

1. Strike sections 23 and 24.

2. On page 1, strike beginning with "1994" in line 15 through "act" in line 16 and insert "1991".

3. On page 2, line 13; and page 38, lines 6 and 17, strike "28, and 32" and insert "26, and 30".

4. On page 30, line 18; and page 31, line 13, strike "25" and insert "23".

5. Renumber remaining sections accordingly.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beck
Coordsen
Dierks
Haberman
Hefner
Johnson, R.
Korshoj
Labedz
Lamb
Langford

Moore
Peterson
Pirsch
Robak
Schellpeper
Schmit
Scofield
Warner

Voting in the negative, 24:

Ashford
Baack
Bernard-Stevens
Byars
Chizek
Conway
Crosby
Goodrich
Hall
Hannibal
Hartnett
Johnson, L.
Kristensen
Landis
Lindsay
McFarland
Morrissey
Nelson
Rogers
Schimek
Wehrbein
Weihing
Wesely
Withem

Present and not voting, 5:

Abboud
Beyer
Elmer
Lynch
Smith

Excused and not voting, 2:

Barrett
Chambers

The Lamb amendment lost with 18 ayes, 24 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper offered the following amendment:
FA329

Page 12, lines 16 through 19 - strike "become the obligation of the affiliating Class I district prorated to reflect student utilization of facilities constructed from the proceeds of such bonded indebtedness" and insert the following: "remain the obligation of the high school district unless otherwise specified in the petitions."

Page 16, lines 3 through 6 - strike "become the obligation of the affiliated Class I district prorated to reflect student utilization of the facilities constructed with the proceeds of such bonded indebtedness" and insert "remain the obligation of the high school district unless otherwise specified in the petitions."

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

The Schellpeper amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Rogers offered the following amendment:

FA330

Page 16, Line 20 - strike "operational expense" and insert "property tax requirement".

Page 16, Line 23 - strike "operational expense" and insert "property tax requirement".

Page 17, Line 23 - strike "operational expense" and insert "property tax requirement".

Page 18, Line 2 - strike "operational expense" and insert "property tax requirement".

Page 18, Line 21 - strike "operational expense" and insert "property tax requirement".

The Rogers amendment lost with 10 ayes, 18 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Baack and Withem offered the following amendment:
AM2166

(Amendments to AM7093)

1. On page 28, line 23, after the period insert "The school board of any affiliated Class I district may request that the school board of a high school district within the same affiliated school system provide, at the Class I facility, educational services or programs which are offered by the high school district but not available at the Class I facility. The school board shall make every reasonable effort to comply with such request. Any additional funds expended by the high school district to provide educational services or programs requested by the Class I district shall be included in the budgeted operational expense for purposes of the computation provided in subdivision (1)(a) of section 23 of this act and shall be supported by the affiliated school system tax levy described in section 23 of this act.".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb offered the following amendment to the pending Baack-Withem amendment:
FA331

line 5 after the word "facility" insert the word "elementary"

The Lamb amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Baack-Withem amendment, as amended, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Elmer
Goodrich
Hannibal
Hartnett
Johnson, L.
Korshoj
Kristensen
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 11:

Coordsen
Dierks
Haberman
Hefner
Labedz
Lamb
Langford
Peterson
Pirsch
Scofield
Warner

Present and not voting, 4:

Beck
Chambers
Johnson, R.
Robak

Excused and not voting, 4:

Barrett
Hall
Lynch
Schmit

Advanced to E & R for engrossment with 30 ayes, 11 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 259A. E & R amendment, AM7094, found in the Journal on page 345 for the Eighth Day, was adopted.

Advanced to E & R for engrossment.

SPECIAL COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 953. Placed on General File.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 971	Thursday, January 25, 1990	1:30 p.m.
LB 1003	Thursday, January 25, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Appropriations

LB 998	Friday, January 26, 1990	1:30 p.m.
LB 999	Friday, January 26, 1990	1:30 p.m.
LB 897	Friday, January 26, 1990	1:30 p.m.
LB 905	Friday, January 26, 1990	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LB 1129	Wednesday, January 31, 1990	1:30 p.m.
LB 1067	Wednesday, January 31, 1990	1:30 p.m.
LB 1132	Friday, February 2, 1990	1:30 p.m.
LB 1112	Friday, February 2, 1990	1:30 p.m.

(Signed) Don Wesely, Chairperson

Revenue

LB 841	Thursday, January 25, 1990	1:30 p.m.
LB 1156	Thursday, January 25, 1990	1:30 p.m.

LB 1079	Thursday, January 25, 1990 (cancel)	1:30 p.m.
LR 236CA	Thursday, January 25, 1990 (cancel)	1:30 p.m.
LB 1115	Thursday, January 25, 1990 (cancel)	1:30 p.m.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 159 in the Journal. No objections. So ordered.

AM2134

1. Insert the following new sections:

"Sec. 12. That section 13-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-907. Jurisdiction, venue, procedure, and rights of appeal in all suits brought under the Political Subdivisions Tort Claims Act ~~sections 13-901 to 13-926, 16-727, 16-728, 23-175, 39-809, and 79-489~~ shall be determined in the same manner as if the suits involved private individuals, except that such suits shall be heard and determined by the appropriate court without a jury if only public entities are defendants.

Sec. 13. At any time after commencement of an action subject to sections 1 to 10 of this act, a defendant, as a third-party plaintiff, may cause a summons to be served upon a person not a party to the action who is or may be liable for all or part of the claimant's claim. The third-party plaintiff shall obtain leave of the court on motion upon notice to all parties to the action before filing a third-party complaint. When authorized by the court, the person served with the summons, referred to as the third-party defendant, shall have all the rights of a defendant, including the rights authorized by this section. The third-party defendant may assert against the claimant any defenses which the third-party plaintiff has to the claimant's claim. The third-party defendant may also assert any claim against the claimant arising out of the transaction or occurrence that is the subject matter of the claimant's claim against the third-party plaintiff. The claimant may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the claimant's claim against the third-party plaintiff. The third-party defendant shall have all the rights of a defendant, including the rights authorized by this section. The court on its own motion, or motion of any party, may strike the third-party claim or require its severance or a separate trial if the third-party claim might delay the trial, might tend to confuse a jury, or might in any way jeopardize the rights of the claimant. A third-party defendant or subsequent defendants may proceed under this section.

Sec. 14. That section 25-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-702. Except for product liability actions and actions subject to sections 1 to 10 of this act, the causes of action so united must affect all the parties to the action~~,~~ and not require different places of trial.

Sec. 16. That section 81-8,214, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,214. The district court~~, sitting without a jury,~~ shall have exclusive jurisdiction to hear, determine, and render judgment on any suit or tort claim. Suits shall be brought in the district court of the county in which the act or omission complained of occurred or, if the act or omission occurred outside the boundaries of the State of Nebraska, in the district court for Lancaster County. If only public entities are defendants, the suit or claim shall be heard by the court without a jury.".

2. On page 6, line 1, strike "defendant's" and insert "party's"; in line 2 after "dismissed" insert "if the case is filed within one year after final judgment is rendered" and strike "defendant" and insert "party"; in line 4 after "Code" insert "if the case is filed within one year after final judgment is rendered"; in line 15 after "not" insert "(a)"; in line 16 after "or" insert "(b) release such party"; in line 17 strike "on the"; and in line 18 strike "judgment" and insert "for such part of the judgment that remains unsatisfied".

3. On page 8, line 5, strike "defendant" and

insert "party".

4. On page 9, line 14, before "A" insert "(1)"; and after line 22 insert the following new subsection:

"(2) A release, covenant not to sue, or similar agreement entered into by a claimant and a person liable shall preclude that person from being made a party or, if an action is pending, shall be a basis for that person's dismissal, but the person's fault, if any, shall be considered in accordance with section 4 of this act.".

5. On page 13, line 8, strike "1990" and insert "1991"; in line 14 strike "section" and insert "sections 13-907, 25-702, and"; and in line 15 after the last comma insert "and section 81-8,214, Revised Statutes Supplement, 1988,".

6. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 37. Placed on Select File as amended.
E & R amendment to LB 37:
AM7109

1. On page 4, line 9, strike "seed".

2. On page 8, line 4, strike "or" and strike "bodies" and insert "body"; in line 5 strike "societies, communities," and insert "community, individual, partnership, or joint-stock company or"; and strike beginning with the last comma in line 5 through "associations" in line 7.

3. On page 10, line 20, strike "prohibited and restricted".

4. On page 23, line 10, strike "(4)"; and in line 11 strike "section", show as stricken, and insert "subdivision".

5. On page 26, line 22, after the semicolon insert "and".

6. On page 28, line 20, strike beginning with "each" through "containing".

7. On page 32, lines 1 and 10, strike "seed" and show as stricken; and in line 7 strike the second "seed" and show as stricken.

8. On page 34, line 4, strike "effective" and insert "operative".

LEGISLATIVE BILL 742. Placed on Select File as amended.
E & R amendment to LB 742:
AM7096

1. Because of the amendment of section 60-407 by Laws 1989, LB 284, section 5, and Laws 1989, LB 285, section 68, and the amendment of section 60-411 by Laws 1989, LB 284, section 7, and Laws 1989, LB 285, section 71, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) Notwithstanding subsection (1) of section 60-407, no license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class A motor vehicle operator's license and to operate a motor vehicle on the roads of this state with a reasonable degree of safety. The Department of Motor Vehicles shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescoptic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision shall be measured through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescoptic lenses.

If a vision aid is used by the applicant to meet the vision requirements of this subsection, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this subsection shall have been met.

(2) Notwithstanding the provisions of section 60-411 relating to when licenses expire, licenses issued to persons required to use bioptic or telescoptic lenses shall expire annually on the licensee's birthday.

Sec. 2. That section 60-490, Revised Statutes Supplement, 1989, be amended to read as follows:

60-490. Except as provided in section 60-4,135 and except for operator's licenses issued to persons required to use bioptic or telescoptic lenses, all operators' licenses contemplated by the Motor Vehicle Operator's License Act shall expire on the licensee's birthday in the first year after issuance in which his or her age is divisible by four. Operator's licenses issued to persons required to use bioptic or telescoptic lenses as provided in section 60-4,118 shall expire annually on the licensee's birthday. All state identification cards issued on or after January 1, 1990, shall expire on the cardholder's birthday in the first year after issuance in which his or her age is divisible by four. The expiration date shall be stated on each license or card. All licenses and cards which expire under this section may be renewed within a ninety-day period before the expiration date. The holder of a valid operator's license or state identification card may renew his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes positive proof that he or she will be absent from the state during the ninety-day period prior to such expiration date.

Sec. 3. That section 60-4,118, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,118. No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses~~, with or without the aid of glasses,~~ sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles shall adopt and promulgate rules and regulations:

(1) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescoptic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(2) Requiring a minimum field of vision. Such field of vision shall be measured through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescoptic lenses.

If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met. ~~If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he or she cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to the applicant. If it is indicated by the examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him or her restricted to wearing glasses while operating a motor vehicle.~~

If the application for an operator's license discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the highways. If the examiner is satisfied, after the demonstration, that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

The director may, at the request of a law enforcement officer or when he or she has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle or a person's driving record appears to the department to justify an examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for an examination shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director. If the license holder cannot qualify at the examination, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel his or her license and privilege to operate a motor vehicle. Refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this section shall be guilty of a Class III misdemeanor.

No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of sixteen years, but upon application therefor and proof of age in the manner provided in section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her sixteenth birthday.

Sec. 4. Sections 2, 3, and 5 of this act shall become operative on September 1, 1990. The other sections of this act shall become operative on their effective date.

Sec. 5. That original sections 60-490 and

60-4,118, Revised Statutes Supplement, 1989, and also section 1, Legislative Bill 742, Ninety-first Legislature, Second Session, 1990, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "60-407" in line 2 through "1943" in line 4 and insert "60-490 and 60-4,118, Revised Statutes Supplement, 1989"; in line 6 strike "and" and insert "to provide operative dates;"; and in line 7 after "sections" insert ", and also section 1, Legislative Bill 742, Ninety-first Legislature, Second Session, 1990; and to declare an emergency".

LEGISLATIVE BILL 662. Placed on Select File as amended.
E & R amendment to LB 662:
AM7099

1. In the Standing Committee amendments, AM0785:

a. On page 1, line 21, strike "proposal" and insert "plan"; and

b. On page 2, line 4, strike "system" and insert "systems".

2. On page 3, line 15, strike "(1)"; and in line 18 strike "(2)".

3. On page 4, line 8, strike "decision-making" and insert "decisionmaking".

4. On page 5, line 1, strike "waiting" and insert "wait"; and in line 15 strike "member's" and insert "members".

5. On page 6, line 8, strike "entity" and insert "applicant".

6. On page 7, line 4, strike "eligible entities"; in line 18 strike "entities" and insert "applicants"; and in line 20 strike "to".

7. On page 8, line 13, strike "project" and insert "service"; and in line 16 strike "in-kind" and insert "in kind".

8. On page 11, line 4, strike "not" and insert "no".

9. On page 12, line 3, strike "entity" and insert "applicant".

10. On page 13, line 18, strike "for" and

insert "of".

11. On page 14, line 13, after "center" insert a comma; and in line 14 after "department" insert a comma.

12. On page 16, line 19, strike "break-up" and insert "breakup".

13. On page 18, line 24, strike "area" and insert "areas".

14. On page 19, lines 14 and 15, strike all occurrences of "the".

15. On page 22, line 18, after "objectives" insert "prescribed in sections 43-532 to 43-534".

16. On page 25, line 16, after the first and second comma insert "the"; and in line 18 before "probation" insert "the".

17. On page 26, line 4, strike "family-" and insert "family-based"; and in line 8 strike "follow-up" and insert "followup".

18. On page 27, line 12, after "Act" insert "for Communities".

LEGISLATIVE RESOLUTION 8CA. Placed on Select File as amended.
E & R amendment to LR 8CA:
AM7100

1. On page 1, line 6, strike "FIRST" and insert "SECOND".

LEGISLATIVE BILL 50. Placed on Select File as amended.
E & R amendment to LB 50:
AM7103

1. In the Standing Committee amendment, AM0382:

a. Strike amendments 1 and 6;

b. On page 1, line 12, strike beginning with the semicolon through the last quotation mark; and strike beginning with the semicolon in line 14 through the last quotation mark in line 15; and

c. Renumber the remaining amendments accordingly.

2. Because of the reissuance of volumes 2 and 2A, Revised Statutes of Nebraska, on page 7, line 19, after the comma insert "Reissue"; and in line 20 strike "Supplement, 1988" and insert "of Nebraska, 1943".

3. On page 1, line 1, after “sections” insert “28-101,”; strike beginning with the second comma in line 3 through “1988” in line 4; in line 6 strike “authorize” and insert “provide penalties; to transfer provisions relating to indecency with an animal; to provide for a warrant for”; and strike lines 13 and 14.

4. On page 2, line 1, strike “relating to prohibited acts” and insert “to provide for the applicability of provisions”; in line 2 after the semicolon insert “to provide for the applicability of penalties to parents and legal guardians as prescribed;”; and in line 7 after “sections” insert “, and also sections 28-1001 and 28-1002, Reissue Revised Statutes of Nebraska, 1943”.

5. On page 5, line 17, strike “3” and insert “4”.

6. On page 7, lines 12 and 13, strike the comma.

7. On page 8, line 19, after “sections” insert “28-101,”; strike beginning with “section” in line 21 through “1988” in line 22 and insert “also sections 28-1001 and 28-1002, Reissue Revised Statutes of Nebraska, 1943”.

LEGISLATIVE BILL 543. Placed on Select File as amended.
E & R amendment to LB 543:
AM7104

1. On page 1, line 1, strike “appropriations” and insert “postsecondary education”; and in line 2 strike “appropriate funds for” and insert “provide for establishment of”.

LEGISLATIVE BILL 422. Placed on Select File as amended.
E & R amendment to LB 422:
AM7105

1. On page 1, line 2, strike “, 68-137,”; in line 5 strike “community service” and insert “vocational, rehabilitation, and job training”.

2. On page 5, line 9, after “persons” insert “(1)”; and in line 12 after “or” insert “(2)”.

LEGISLATIVE BILL 409. Placed on Select File.

LEGISLATIVE BILL 503. Placed on Select File as amended.

E & R amendment to LB 503:
AM7106

1. On page 1, line 5, strike "salary" and insert "salaries".

LEGISLATIVE BILL 503A. Placed on Select File as amended.
E & R amendment to LB 503A:
AM7107

1. On page 1, line 4; and page 2, lines 7 and 8, strike "First Session, 1989" and insert "Second Session, 1990".

LEGISLATIVE BILL 465. Placed on Select File as amended.
E & R amendment to LB 465:
AM7108

1. On page 1, strike beginning with "acquired" in line 3 through "diseases" in line 4 and insert "or suspected of having human immunodeficiency virus infection or acquired immunodeficiency syndrome".

(Signed) John C. Lindsay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 244CA. Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article VII, sections 8 and 9.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article VII, sections 8 and 9, which is hereby proposed by the Legislature:

CVII-8. "All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses, except that five percent of the annual income from school lands shall be credited to the permanent school fund.

The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in the Constitution, such funds shall be invested as the Legislature may by statute provide."

CVII-9. "The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state as the Legislature shall provide:

~~a.~~ (1) Income arising from the perpetual funds;

~~b.~~ (2) The income from the unsold school lands, except that (a) costs of administration shall be deducted from the income before it is so applied and (b) five percent of the annual income from school lands shall be credited to the permanent school fund;

~~c.~~ (3) All other grants, gifts, and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift, or devise; and

~~d.~~ (4) Such other support as the Legislature may provide.

No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term required by law.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that five percent of the annual income from school lands shall be credited to the permanent school fund.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 245. Introduced by Hefner, 19th District.

WHEREAS, the United States flag belongs to all Americans and ought not be desecrated by any one individual, even under principles of free expression, just as the Declaration of Independence, the Statue of Liberty, the Lincoln Memorial, Yellowstone National Park, or any other common inheritance that the people of this land hold dear ought not to be desecrated; and

WHEREAS, the United States Supreme Court, in contravention of this postulate, has by a narrow decision held the license to destroy in protest this cherished symbol of our national heritage to be a First Amendment freedom; and

WHEREAS, whatever legal arguments may be offered to support this holding, the incineration or other mutilation of the flag of the United States of America is repugnant to all those who have saluted it, paraded beneath it on the Fourth of July, been saluted by its half-mast configuration, or raised it inspirationally in remote corners of the globe where they have defended the ideals of which it is representative; and

WHEREAS, the members of the Legislature, while respectful of dissenting political views, themselves dissent forcefully from the court decision, which dissent echoes the beliefs of all patriotic Americans that this flag is our flag and not private property subject to a private prerogative to maim or despoil in the passion of individual protest; and

WHEREAS, the Legislature concurs with the court minority that the Stars and Stripes is deserving of a unique sanctity, free to wave in perpetuity over the spacious skies where our bald eagles fly, the fruited plain above which our mountain majesties soar, and the venerable heights to which our melting pot of peoples and their posterity aspire.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to the Constitution of the United States, protecting the American flag and fifty state flags from willful desecration and exempting such desecration from judicial construction as a First Amendment right.
2. That official copies of this resolution be prepared and forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to all members of the Nebraska delegation to the Congress of the United States, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.
3. That a copy of the resolution be prepared and forwarded also to President George Bush, asking that he lend his support to the proposal and adoption of a flag-protection constitutional amendment.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1220. Introduced by Hannibal, 4th District; Withem, 14th District; Crosby, 29th District; Byars, 30th District; Schimek, 27th District; Labedz, 5th District; Hall, 7th District; Haberman, 44th District; L. Johnson, 15th District; Weihing, 48th District; Peterson, 21st District; Goodrich, 20th District; Lindsay, 9th District; Beck, 8th District; Ashford, 6th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602 and 85-122, Revised Statutes Supplement, 1989, and Laws 1989, LB 814, sections 47 and 62; to change provisions for disbursement of a tax as provided; to transfer and appropriate funds; to create a fund and provide for disbursement of money in the fund; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1221. Introduced by Hannibal, 4th District.

A BILL FOR AN ACT relating to plumbing; to amend section 18-1906, Reissue Revised Statutes of Nebraska, 1943, and section 18-1901, Revised Statutes Supplement, 1989; to change the membership of plumbing boards for cities of the metropolitan class; to change provisions relating to rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 1222. Introduced by Hartnett, 45th District; Scofield, 49th District; Peterson, 21st District; Smith, 33rd District; Labedz, 5th District; Schmit, 23rd District; Barrett, 39th District; Hall, 7th District; Hannibal, 4th District; Kristensen, 37th District; Schellpeper, 18th District; Coordsen, 32nd District; Lynch, 13th District; Schimek, 27th District; Moore, 24th District; Nelson, 35th District; Crosby, 29th District; Landis, 46th District; Abboud, 12th District; Baack, 47th District; Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to infants; to amend sections 28-726, 42-917, 42-918, 43-1301, 43-1302, 43-1303, 43-1308, 43-1309, 43-1310, 43-1313, and 43-1314, Reissue Revised Statutes of Nebraska, 1943, and section 43-285, Revised Statutes Supplement, 1989; to authorize the release of certain records to the State Foster Care Review Board; to provide for review of certain additional foster care placements; to authorize the State Foster Care Review Board to participate in certain proceedings as prescribed; to redefine a term; to limit liability; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1223. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Patrol for a helicopter.

LEGISLATIVE BILL 1224. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Soil and Water Conservation Fund; to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943; to provide funding for installation of conservation practices on rangeland and pastureland as prescribed; to appropriate funds; and to repeal the original section.

LEGISLATIVE BILL 1225. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1508, Reissue Revised Statutes of Nebraska, 1943; to change penalties; and to repeal the original section.

LEGISLATIVE BILL 1226. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 71-5623, 79-12,146, 80-902, and 85-504, Reissue Revised Statutes of Nebraska, 1943, and sections 85-505.01, 85-994, and 85-9,123, Revised Statutes Supplement, 1989; to enact the Higher Education Drug-Free Environment Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1227. Introduced by Hefner, 19th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-928, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide for the offense of flag desecration; to provide a penalty; to eliminate provisions relating to mutilating a flag, and to repeal the original section.

LEGISLATIVE BILL 1228. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to limited partnerships; to amend sections 21-2070, 67-236, 67-242, 67-245, 67-248.01, 67-248.02, 67-283, and 67-293, Revised Statutes Supplement, 1989; to provide for the merger of corporations and limited partnerships into limited partnerships pursuant to the Nebraska Business Corporation Act; to eliminate a requirement that certain copies be certified; to change provisions relating to filings; to state the effect of appointing the Secretary of State as agent for service of process; to provide fees; and to repeal the original sections.

LEGISLATIVE BILL 1229. Introduced by Scofield, 49th District; Peterson, 21st District; Schellpeper, 18th District.

A BILL FOR AN ACT relating to cities and villages; to amend section 13-315, Reissue Revised Statutes of Nebraska, 1943; to adopt the Local Option Municipal Economic Development Act; to provide an operative date for the act; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 1230. Introduced by Wesely, 26th District; Landis, 46th District.

A BILL FOR AN ACT relating to the comprehensive health insurance pool; to amend sections 44-4201, 44-4221, 44-4225, 44-4229, and 44-4230, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1525, 44-4222, and 44-4227, Revised Statutes Supplement, 1989; to define a term; to change a provision relating to eligibility to apply for coverage by the pool; to change a provision for ineligibility as prescribed; to limit insurers' assessments; to change provisions relating to rates as prescribed; to change provisions relating to reduction of benefits; to provide for subrogation; and to repeal the original sections.

LEGISLATIVE BILL 1231. Introduced by Scofield, 49th District; Schellpeper, 18th District; Dierks, 40th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to waste disposal; to adopt the Nebraska Environmental Health and Safety through Regional Cooperation Act.

LEGISLATIVE BILL 1232. Introduced by Scofield, 49th District; Dierks, 40th District; Schellpeper, 18th District; Kristensen, 37th District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-1578, Revised Statutes Supplement, 1989, and Laws 1983, LB 200, section 1; to restrict the issuance of a license under the Low-Level Radioactive Waste Disposal Act as prescribed; to amend the Central Interstate Low-Level Radioactive Waste Compact; to harmonize a provision; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1233. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943, sections 71-113, 71-114, and 71-6501, Revised Statutes Supplement, 1988, and sections 71-102, 71-110, 71-112, 71-131, 71-162, and 81-651, Revised Statutes Supplement, 1989; to eliminate the practice of respiratory care from the Uniform Licensing Law; to harmonize provisions; and to repeal the original sections, and also sections 71-1,227 to 71-1,231 and 71-1,234 to 71-1,237, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,232 and 71-1,233, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 1234. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 12-302, 12-506, 12-520, 77-202.01, 77-202.02, 77-202.04, 77-202.05, and 77-202.06, Reissue Revised Statutes of Nebraska, 1943, section 77-202.03, Revised Statutes Supplement, 1989, and section 77-202, Revised Statutes Supplement, 1988, as amended by section 2, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989; to eliminate certain exemptions from real property taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1235. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to property taxation; to amend sections 10-612, 15-318, 15-319, 15-733, 16-702, 21-17,126, 23-343, 23-343.01, 23-343.15, 31-411.02, 31-447, 35-505, 35-506, 35-507, 35-514, 35-531, 35-535, 39-1518, 44-2414, 46-542, 46-543, 46-544, 77-202.01, 77-202.02, 77-202.04, 77-202.05, 77-202.06, 77-381, 77-399, 77-415, 77-519, 77-602, 77-604, 77-1242.02, 77-1506.01, 77-1613, 77-1616, and 79-481, Reissue Revised Statutes of Nebraska, 1943, sections 77-430, 77-505, 77-506, 77-507.01, 77-508, 77-509, 77-510, 77-802, 77-1240.01, 77-1301, 77-1318, 77-1503.01, and 77-1507, Revised Statutes Supplement, 1988, sections 77-202.03, 77-1504, and 77-1506.02, Revised Statutes Supplement, 1989, and, sections 77-202 and 77-1342, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 2 and 8, respectively, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989; to exempt personal property other than motor vehicles from taxation; to harmonize provisions; to eliminate provisions relating to levy, assessment, adjustment, and collection of taxes on personal property; to eliminate provisions for taxation of air transportation carriers; to provide an operative date; and to repeal the original sections, and also sections 15-320, 77-205, 77-206, 77-406, 77-1208, 77-1210, 77-1211, 77-1212, 77-1213, 77-1214, 77-1215, 77-1216, 77-1229.01, 77-1232, 77-1233, 77-1234, 77-1236, 77-1244, 77-1245, 77-1246, 77-1247, 77-1248, 77-1249, and 77-1250, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.46, 77-409, 77-410, 77-412, 77-412.01, 77-1201, 77-1202, 77-1209, 77-1209.02, 77-1209.03, 77-1209.04, 77-1209.05, 77-1219, and 77-1229, Revised Statutes Supplement, 1988, and sections 77-631.02, 77-631.03, 77-631.04, and 77-1249.01, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5, 6, 7, and 4, respectively, Legislative Bill 7, Ninety-first Legislature, First Special Session, 1989.

LEGISLATIVE BILL 1236. Introduced by Smith, 33rd District.

A BILL FOR AN ACT relating to public libraries; to amend section 51-211, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for certain free services; to provide for fees for certain services; and to repeal the original section.

LEGISLATIVE BILL 1237. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 49-1493, Reissue Revised Statutes of Nebraska, 1943, and sections 81-15,101, 81-15,101.01, and 81-15,106, Revised Statutes Supplement, 1989; to require a statement of financial interests as prescribed; to change a provision relating to an application for a license to operate a facility as prescribed; to provide powers and duties for the local monitoring committees; and to repeal the original sections.

LEGISLATIVE BILL 1238. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 81-15,101.04 and 81-15,107, Revised Statutes Supplement, 1988, and sections 81-1578, 81-15,101.01, 81-15,104, and 81-15,113.01, Revised Statutes Supplement, 1989; to state intent; to provide a duty for the Governor relating to the license for a disposal facility; to change appeal procedures; to require notification of final site selection for a disposal facility; to change the powers of local monitoring committees as prescribed; to restrict licensure as prescribed; to reallocate certain funds; to restrict storage and disposal of class B low-level radioactive waste; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1239. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to capital construction; to require a review of the design of and materials to be used in capital construction projects as prescribed.

LEGISLATIVE BILL 1240. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,156 and 81-125, Reissue Revised Statutes of Nebraska, 1943, sections 77-2715.01 and 77-2734.02, Revised Statutes Supplement, 1988, and section 77-2715.02, Revised Statutes Supplement, 1989; to require the State Board of Equalization and Assessment to set the rates for sales and income taxes; to eliminate provisions authorizing the Legislature to set such rates; to provide powers and duties for the board, the Tax Commissioner, the Director of Administrative Services, and the Legislative Fiscal Analyst; to harmonize provisions; to eliminate provisions setting the rates of sales and income tax; to provide an operative date; and to repeal the original sections, and also section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701.01, Revised Statutes Supplement, 1988.

LEGISLATIVE BILL 1241. Introduced by Chambers, 11th District.

A BILL FOR AN ACT relating to the Research and Development Authority; to amend sections 13-203, 13-206, 13-207, 21-2102, 21-2104, 21-2109, 58-401 to 58-404, and 58-435, Reissue Revised Statutes of Nebraska, 1943, and section 58-413, Revised Statutes

Supplement, 1989; to state findings; to define and redefine terms; to require the Research and Development Authority to form business development corporations as prescribed; to provide powers and duties for the authority and the corporation; to provide for a tax credit as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1242. Introduced by Beck, 8th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-669.13, Reissue Revised Statutes of Nebraska, 1943; to provide for the assessment of expenses incurred in testing for alcoholic liquor or drugs; and to repeal the original section.

ANNOUNCEMENT

Mr. Barrett announced a meeting of the Legislature's Committee Chairpersons will be held on Friday, January 19, 1990, at 8:15 a.m. in Room 2102.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Pete Kaps from Broken Bow.

ADJOURNMENT

At 12:17 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Friday, January 19, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 19, 1990

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 19, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 19, 1990

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Gerry Harris, Gideons, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Baack, Chambers, Conway, Goodrich, Haberman, Hannibal, Hartnett, R. Johnson, Landis, Lindsay, Lynch, McFarland, Morrissey, Rogers, Schmit, Mmes. Labedz, and Langford who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1172 through 1242, and legislative resolutions 242CA through 245.

LB	Committee
1172	Government, Military & Veterans Affairs
1173	Business & Labor
1174	Judiciary

1175	Revenue
1176	Revenue
1177	Government, Military & Veterans Affairs
1178	Business & Labor
1179	Natural Resources
1180	Education
1181	Natural Resources
1182	Appropriations
1183	Revenue
1184	Government, Military & Veterans Affairs
1185	Government, Military & Veterans Affairs
1186	Transportation
1187	Health & Human Services
1188	Health & Human Services
1189	Revenue
1190	Natural Resources
1191	Banking, Commerce & Insurance
1192	Banking, Commerce & Insurance
1193	Banking, Commerce & Insurance
1194	Judiciary
1195	Education
1196	Judiciary
1197	Education
1198	Appropriations
1199	Banking, Commerce & Insurance
1200	Government, Military & Veterans Affairs
1201	Education
1202	Revenue
1203	Judiciary
1204	Judiciary
1205	Judiciary
1206	Government. Military & Veterans Affairs
1207	Appropriations
1208	Revenue
1209	Judiciary
1210	Appropriations
1211	Appropriations
1212	Judiciary
1213	Natural Resources
1214	Revenue
1215	Revenue
1216	Government, Military & Veterans Affairs
1217	Banking, Commerce & Insurance
1218	Revenue

1219	Revenue
1220	Appropriations
1221	Urban Affairs
1222	Health & Human Services
1223	Appropriations
1224	Natural Resources
1225	Natural Resources
1226	Education
1227	Judiciary
1228	Banking, Commerce & Insurance
1229	Urban Affairs
1230	Banking, Commerce & Insurance
1231	Natural Resources
1232	Natural Resources
1233	Health & Human Services
1234	Revenue
1235	Revenue
1236	General Affairs
1237	Natural Resources
1238	Natural Resources
1239	Government, Military & Veterans Affairs
1240	Revenue
1241	Banking, Commerce & Insurance
1242	Judiciary

LR	**Committee**
242CA	Revenue
243CA	Revenue
244CA	Education
245	Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 1135	Monday, January 29, 1990	1:30 p.m.
LB 1117	Monday, February 5, 1990	1:30 p.m.

(Signed) George Coordsen, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 18, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Shannon M. - Omaha	Physicians Mutual Insurance Co.
Bataillon, Peter C. - Omaha	Nebraska Coalition for Life
Bunger, Joyce Davis - Omaha	WATS Marketing Group
Crosby, Robert B. - Lincoln	Nebraska School Activities Association
Cutshall, Bruce - Lincoln	The Nebraska Hospital Association (Withdrawn 89/12/22)
Frey, John H. - Lincoln (Withdrawn 90/01/01)	Lincoln Medical Education Foundation
McCullough, Mardy - Lincoln	American Heart Association-Nebraska Affiliate
Moulton, William S. - Omaha (Withdrawn 90/01/01)	Nebraska Retail Grocers Association
Moylan, James H. - Omaha	G & P Development Inc.
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J - Lincoln	Nebraska State Pest Control Association (Withdrawn 90/01/18)
Noren, Charles F. - Lincoln	Hauptman, Joe d/b/a Hauptman Sales (Withdrawn 90/01/17)
O'Connell, Karin L. - Lincoln	Leroy W. Orton
Olson, William E. Jr. - Lincoln	T. O. Haas Tire., Inc.
Orton, Leroy W. - Lincoln	Nebraska Committee for the Partially Sighted
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Nebraska State Pest Control Association (Withdrawn 90/01/18)
Vickers, Tom - Lincoln	Preserve Our Water Resources Association (Withdrawn 90/01/01)
Wewel, L.L. - Lincoln	NE Veterinarians for Public Health Committee

ATTORNEY GENERAL'S OPINION

Opinion 90002

DATE: January 18, 1990

SUBJECT: The Constitutionality of LB 272A (which would appropriate funds to reimburse depositors of insolvent Nebraska industrial loan and investment companies)

REQUESTED BY: Senator David M. Landis
District No. 46

WRITTEN BY: Robert M. Spire
Attorney General

You ask if LB 272A is constitutional when it appropriates funds to reimburse depositors of State Securities Company, American Savings Company and Commonwealth Savings Company. In my judgment LB 272A is constitutional as to these depositors.

On May 18, 1989, I issued Opinion #89051 on the constitutionality of LB 356. I concluded that LB 356 was constitutional. For reference I attach a copy of this Opinion #89051.

LB 272A is substantially the same as LB 356. The modifications of LB 356 which are reflected in LB 272A do not alter my conclusions with regard to this depositors reimbursement legislation. I conclude that both LB 356 (as described in my May 18, 1989 Opinion #89051) and LB 272A are constitutional.

My reasoning with regard to the constitutionality of LB 272A is the same as my reasoning with regard to LB 356. In short, LB 272A is constitutional for these reasons:

(1) LB 272A represents an appropriation of funds to reimburse depositors of insolvent institutions for an appropriate public purpose as described in LB 272A. This appropriate public purpose is specifically identified in LB 272A in this manner:

  (a) LB 272A summarizes the history of (a) insolvency of these failed industrial loan and investment companies, (b) the Nebraska Depository Institution Guaranty Corporation (NDIGC) and (c) the enactment of Neb.Rev.Stat. §21-17,144 (which required depository institutions to advertise the NDIGC protection of depositor accounts). LB 272A then makes a legislative finding and declaration that the history it summarizes has "seriously impaired the confidence of the people of this state in the Legislature and in the enactments of the Legislature such as §21-17,144."

(b) In addition, there are the further legislative declarations that "the confidence of the people of this state in its financial institutions has been seriously impaired, the welfare and stability of this state and its financial institutions require that the people have confidence in the Legislature and in the financial institutions that are organized pursuant to the enactments of the Legislature, and the redemption of the guaranty to depositors by the Nebraska Depository Institution Guaranty Corporation will serve a necessary public purpose and will effect a sound and necessary public policy."

(2) The declaration of public purpose in LB 272A is abundantly clear. LB 272A states without ambiguity that the circumstances surrounding these failed institutions present a unique and deeply disturbing situation which urgently calls for a legislative remedy. As cogently stated in LB 272A, the very integrity and credibility of actions by the State are involved. Restoring this credibility requires at a minimum the action of the Legislature provided for in LB 272A. The circumstances the Legislature describes are not normal or customary. They are unique and thus call for unique responses. The unique legislative response in LB 272A, based upon a clearly described statement of public purpose, would not, in my opinion, be second-guessed by the courts.

(3) I conclude that the courts would (a) examine the history and circumstances surrounding these failed institutions, (b) consider thoughtfully the public purpose set forth in LB 272A, and (c) determine that the LB 272A public purpose is an appropriate legislative response on behalf of the State of Nebraska to the circumstances surrounding these failed institutions. I believe the courts would agree with the Legislature that there can be no more important public purpose than public confidence in government. And public confidence in government is directly involved here.

Through LB 272A the Nebraska Legislature is making a good faith effort to address a situation which has seriously eroded confidence in State government. In LB 272A the Legislature clearly describes the circumstances and public purpose it is addressing based upon those circumstances. In my judgment, the courts would uphold the action of the Legislature here as the fulfillment of an appropriate public purpose as identified and described by the elected representatives of the citizens of Nebraska.

Very truly yours,

(Signed) ROBERT M. SPIRE
Attorney General

RMS/hmt
Attachment
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Approve Appointment

Mr. Lamb moved the adoption of the report of the Natural Resource Committee for the following Governor appointment found in the Journal on page 372: Lawrence R. Myers - Nebraska Power Review Board.

Voting in the affirmative, 25:

Abboud
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Coordsen
Crosby
Dierks
Goodrich
Hall
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Nelson
Peterson
Pirsch
Schellpeper
Scofield
Smith
Warner
Wehrbein

Voting in the negative, 0.

Present and not voting, 8:

Elmer
Hefner
Moore
Robak
Schimek
Weihing
Wesely
Withem

Excused and not voting, 16:

Ashford
Baack
Chambers
Conway
Haberman
Hannibal
Hartnett
Johnson, R.
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Rogers
Schmit

The appointment was confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

MOTION - Rerefer LB 1114

Mr. Lamb renewed his pending motion, found in the Journal on page 366, to rerefer LB 1114 from the Judiciary Committee to the Transportation Committee, pursuant to Rule 6, Section 2.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Lamb requested a roll call vote on his motion to rerefer LB 1114.

Voting in the affirmative, 22:

Barrett
Beck
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Lamb
Landis
Langford
Moore
Morrissey
Peterson
Rogers
Warner
Wehrbein
Weihing

Voting in the negative, 21:

Abboud
Ashford
Baack
Bernard-Stevens
Chizek
Conway
Goodrich
Hall
Johnson, R.
Korshoj
Kristensen
Labedz
Lindsay
Nelson
Robak
Schellpeper
Schimek
Scofield
Smith
Wesely
Withem

Present and not voting, 2:

McFarland
Pirsch

Excused and not voting, 4:

Chambers
Hartnett
Lynch
Schmit

The Lamb motion to rerefer lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 534. E & R amendment, AM7089, found in the Journal on page 345 for the Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 601. E & R amendment, AM7090, found in the Journal on page 345 for the Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 730. E & R amendment, AM7091, found in the Journal on page 346 for the Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 818. Advanced to E & R for engrossment.
LEGISLATIVE BILL 819. Advanced to E & R for engrossment.

LEGISLATIVE BILL 820. E & R amendment, AM7092, found in the Journal on page 346 for the Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 821. E & R amendment, AM7102, found in the Journal on page 350 for the Ninth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 822. E & R amendment, AM7101, found in the Journal on page 350 for the Ninth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 823. Advanced to E & R for engrossment.
LEGISLATIVE BILL 824. Advanced to E & R for engrossment.

LEGISLATIVE BILL 825. E & R amendment, AM7095, found in the Journal on page 351 for the Ninth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 826. Advanced to E & R for engrossment.
LEGISLATIVE BILL 827. Advanced to E & R for engrossment.

LEGISLATIVE BILL 828. E & R amendment, AM7097, found in the Journal on page 351 for the Ninth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 829. E & R amendment, AM7098, found in the Journal on page 351 for the Ninth Day, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 159. Mr. McFarland withdrew his pending amendment, FA36, found in the Journal on page 740, First Session, 1989.

Mr. Kristensen renewed his pending amendment, AM2134, found in the Journal on page 398.

Mr. Haberman requested a division of the question on the Kristensen amendment.

The Chair sustained the division of the question.

Messrs. Hefner, R. Johnson, Beyer, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

The first Kristensen amendment is as follows:
FA332

1. Insert the following new sections:

"Sec. 12. That section 13-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-907. Jurisdiction, venue, procedure, and rights of appeal in all suits brought under the Political Subdivisions Tort Claims Act ~~sections 13-901 to 13-926, 16-727, 16-728, 23-175, 39-809, and 79-489~~ shall be determined in the same manner as if the suits involved private individuals, except that such suits shall be heard and determined by the appropriate court without a jury if only public entities are defendants.

Sec. 13. At any time after commencement of an action subject to sections 1 to 10 of this act, a defendant, as a third-party plaintiff, may cause a summons to be served upon a person not a party to the action who is or may be liable for all or part of the claimant's claim. The third-party plaintiff shall obtain leave of the court on motion upon notice to all parties to the action before filing a third-party complaint. When authorized by the court, the person served with the summons, referred to as the third-party defendant, shall have all the rights of a defendant, including the rights authorized by this section. The third-party defendant may assert against the claimant any defenses which the third-party plaintiff has to the claimant's claim. The third-party defendant may also assert any claim against the claimant arising out of the transaction or occurrence that is the subject matter of the claimant's claim against the third-party plaintiff. The claimant may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the claimant's claim against the third-party plaintiff. The third-party defendant shall have all the rights of a defendant, including the rights authorized by this section. The court on its own motion, or motion of any party, may strike the third-party claim or require its severance or a separate trial if the third-party claim might delay the trial, might tend to confuse a jury, or might in any way jeopardize the rights of the claimant. A third-party defendant or subsequent defendants may proceed under this section.

Sec. 14. That section 25-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-702. Except for product liability actions and actions subject to sections 1 to 10 of this act, the causes of action so united must affect all the parties to the action~~,~~ and not require different places of trial.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 4 nays, and 24 not voting.

Pending.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 163. Placed on Select File as amended.
E & R amendment to LB 163:
AM7110

1. In the Beck amendment, AM2038, on page 1, line 2, before the first "and" insert a comma.

2. In the Rod Johnson amendment, AM2018, on page 5, line 7, strike "7" and insert "6"; in line 15 strike "7" and insert "6"; in line 17 strike "to 6" and insert "and 5"; and in line 22 after "Fees" insert "Collection".

3. On page 1, line 2, strike "a fund" and insert "funds"; in line 3 strike "fund" and insert funds"; in line 4 strike "and newsprint".

4. On page 3, line 21, strike "Revenue" and insert "Proceeds".

5. On page 4, line 1, strike the comma; and in line 5 strike "an" and insert "the".

6. On page 10, line 8, strike "The" and insert "Subject to section 6 of this act, the"; and in line 9 strike "deposit in" and insert "credit to".

LEGISLATIVE BILL 163A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 856. Placed on General File.

(Signed) Rod Johnson, Chairperson

ANNOUNCEMENT

The Business and Labor Committee designates LB 313 and LB 315 as its priority bills.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 87, 220, 240, 257, 397, 399, 486, 488, 488A, and 756.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 87

The following changes, required to be reported for publication in the Journal, have been made:
ER6231
1. In the Pirsch amendment, AM1997:
a. On page 6, line 1 and 2, "the claimant's" has been struck and shown as stricken and "his or her" has been inserted; and
b. On page 7, the matter beginning with "8" in line 6 through "(g)" in line 8 has been struck and "7, line 20, after 'case' insert '; and (d)' " has been inserted.
2. In the Pirsch amendment, AM0665, on page 1, the matter beginning with "line" in line 4 through the semicolon in line 5 has been struck.
3. On page 1, line 2, "81-1807, 81-1809, 81-1816, 81-1822, 81-1837," has been inserted after the last comma; and in line 7 "to change provisions relating to compensation under the Nebraska Crime Victim's Reparations Act;" has been inserted after the last semicolon.

Enrollment and Review Change to LB 220

The following changes, required to be reported for publication in the Journal, have been made:
ER6225
1. In the Pirsch amendment, AM1987:
a. A new section has been inserted as follows:
"Sec. 4. That section 29-2269, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
29-2269. Sections 29-2246 to 29-2268 and section 2 of this act shall be known and may be cited as the Nebraska Probation Administration Act.";
b. On page 2, line 3, an underscored comma has been inserted after "located";

c. On page 3, line 17, the comma has been struck and shown as stricken;

d. On page 6, line 3, "and" has been struck and a comma inserted; and in line 4 "and 29-2269," has been inserted after the first comma; and

e. The remaining section has been renumbered.

2. On page 1, lines 2 through 5 have been struck and "sections 29-2259, 29-2262, and 29-2269, Reissue Revised Statutes of Nebraska, 1943; to provide that the costs of drug testing and certain electronic surveillance equipment be paid by the state; to create a fund; to change provisions relating to conditions of probation; to harmonize provisions; and to repeal the original sections." has been inserted.

Enrollment and Review Change to LB 240

The following changes, required to be reported for publication in the Journal, have been made:
ER6230

1. In the Hall amendment, FA326, in line 6 "to the commission" has been inserted after "remitted"; the matter beginning with the period in line 7 through "remitted" in line 8 has been struck; in line 8 "The commission shall remit the funds to the State Treasurer for credit to the fund." has been inserted after the period; in line 9 "telecommunications" has been struck and "telephone" inserted; in line 10 "Act" has been struck and "section" inserted; and in line 11 "dual-party relay" has been struck.

2. In the Hall amendment, AM1318:

a. On page 1, lines 7 and 8, "a" has been struck and "per" inserted;

b. On page 2, the matter beginning with "The" in line 17 through the period in line 18 has been struck; and

c. On page 3, line 3, "purposes" has been struck and "purpose specified in section 1" inserted; and in line 16 "dual-party relay" has been struck.

3. On page 1, the matter beginning with "parking" in line 1 through line 6 has been struck and "persons with hearing or speech impairments; to state intent; to define terms; to create a fund; to require a surcharge; to provide for a statewide dual-party relay system; to create a committee; and to declare an emergency." inserted.

Enrollment and Review Change to LB 257

The following changes, required to be reported for publication in the Journal, have been made:
ER6232

1. In the Baack amendment, AM1305, on page 1, line 5, an underscored comma has been inserted after "board"; and in line 8 "or such boards and officers include" has been struck and ", department, agency, board, or officer includes" inserted.
2. On page 1, line 1, "buildings" has been struck and "structures and improvements" inserted; in line 4 "certain" has been inserted after "for"; and the matter beginning with "of" in line 5 through "thereof" in line 6 has been struck.
3. On page 9, line 22; and page 12, line 10, "department" has been struck, shown as stricken, and "Department of Public Institutions" has been inserted.

Enrollment and Review Change to LB 397

The following changes, required to be reported for publication in the Journal, have been made:
ER6229

1. In the Chambers amendment, FA150, amendment 1 has been numbered as section 1 and the remaining sections renumbered accordingly.
2. On page 1, the matter beginning with "state" in line 1 through line 8 has been struck and "adopt the Nebraska Collegiate Athletic Association Procedures Act." inserted.
3. On page 3, line 21; page 4, lines 2, 4, 12, and 24; and page 5, line 10, "this act" has been struck and "the Nebraska Collegiate Athletic Association Procedures Act" inserted.
4. On page 4, line 17, "this" has been struck and "the" inserted.

Enrollment and Review Change to LB 486

The following changes, required to be reported for publication in the Journal, have been made:
ER6227

1. In the E & R amendment, AM7031, on page 1, the matter beginning with the semicolon in line 3 through the last quotation marks in line 5 has been struck; the matter beginning with "line" in line 6 through "in" in line 8 has been struck; the matter beginning with the semicolon in line 11 through the last quotation marks in line 15 has been struck; and the matter beginning with "lines" in line 16 through "in" in line 17 has been struck.

2. On page 2, lines 14 and 15; page 4, line 17; page 5, lines 2, 4, 15, 17, 19, 20, and 23; page 6, lines 23, 24, and 25; and page 7, lines 3 and 5, the new matter has been struck.

Enrollment and Review Change to LB 488

The following changes, required to be reported for publication in the Journal, have been made:
ER6233
1. On page 5, line 25, "educational" has been struck.
2. On page 32, line 6, "not" has been inserted after "is"; and in line 8 "such" has been struck and shown as stricken.

Enrollment and Review Change to LB 488A

The following changes, required to be reported for publication in the Journal, have been made:
ER6228
1. On page 1, line 4; and page 2, line 7, "First Session, 1989" has been struck and "Second Session, 1990" inserted.
2. On page 2, line 3, "1989" has been struck and "1990" inserted; in lines 3 and 4 "1990" has been struck and "1991" inserted; and in line 4 "1991" has been struck and "1992" inserted.

Enrollment and Review Change to LB 756

The following changes, required to be reported for publication in the Journal, have been made:
ER6226
1. On page 1, line 1, "and villages" has been inserted after "cities" and a comma has been inserted after "16-305"; and in line 2 "and" has been struck and "and 17-209.02," has been inserted after the comma.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2158
1. Insert the following new section:

"Sec. 7. This act shall terminate on July 1, 1992, unless reenacted or reestablished by the Legislature.".

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1190	Friday, January 26, 1990	1:30 p.m.
LB 1181	Friday, January 26, 1990	1:30 p.m.
LB 1168	Friday, January 26, 1990	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Education

LB 911	Tuesday, January 30, 1990 (cancel)	1:00 p.m.
LB 911	Tuesday, January 30, 1990 (reset)	1:30 p.m.
LB 1050	Monday, January 29, 1990	1:30 p.m.
LB 1090	Monday, January 29, 1990	1:30 p.m.
LB 1033	Tuesday, January 30, 1990	1:30 p.m.
LB 1037	Tuesday, January 30, 1990	1:30 p.m.
LB 963	Monday, February 5, 1990	1:30 p.m.
LB 1026	Monday, February 5, 1990	1:30 p.m.
LB 1108	Monday, February 5, 1990	1:30 p.m.
LB 1109	Monday, February 5, 1990	1:30 p.m.
LB 1141	Tuesday, February 6, 1990	1:30 p.m.
LR 239CA	Tuesday, February 6, 1990	1:30 p.m.
LR 240CA	Tuesday, February 6, 1990	1:30 p.m.
LB 1002	Tuesday, February 13, 1990	1:30 p.m.
LB 1051	Tuesday, February 13, 1990	1:30 p.m.
Governor Appointments	Monday, February 12, 1990	1:30 p.m.

Safety Center Advisory Council
Fred E. Zwonechek
John J. Siefkes
Rollin Schnieder
Ralph Hild
Carol I. Cope

Duane Schmidt
Thomas J. Gorman
Pennie Z. Davis
Clayton L. Andrews
Betty J. Stuckey
Laura Acklie, M.D.
Larry Morris

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 159. The first Kristensen amendment, FA332, found in this day's Journal, was renewed.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 0 nays, and 33 not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Abboud motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

The first Kristensen amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The second Kristensen amendment is as follows:
FA333

Sec. 16. That section 81-8,214, Revised Statutes Supplement, 1988, be amended to read as follows:

81-8,214. The district court~~, sitting without a jury,~~ shall have exclusive jurisdiction to hear, determine, and render judgment on any suit or tort claim. Suits shall be brought in the district court of the county in which the act or omission complained of occurred or, if the act or omission occurred outside the boundaries of the State of Nebraska, in the district court for Lancaster County. If only public entities are defendants, the suit or claim shall be heard by the court without a jury.".

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Haberman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Chizek
Conway
Coordsen
Dierks
Goodrich
Hall
Hartnett
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
McFarland
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 3:

Crosby
Elmer
Haberman

Present and not voting, 5:

Hannibal
Johnson, R.
Korshoj
Langford
Pirsch

Absent and not voting, 1:

Moore

Excused and not voting, 6:

Beyer
Byars
Chambers
Hefner
Lynch
Schmit

The motion to cease debate prevailed with 34 ayes, 3 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The second Kristensen amendment was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

The third Kristensen amendment is as follows:
FA334

2. On page 6, line 1, strike "defendant's" and insert "party's"; in line 2 after "dismissed" insert "if the case is filed within one year after final judgment is rendered" and strike "defendant" and insert "party"; in line 4 after "Code" insert "if the case is filed within one year after final judgment is rendered"; in line 15 after "not" insert "(a)"; in line 16 after "or" insert "(b) release such party"; in line 17 strike "on the"; and in line 18 strike "judgment" and insert "for such part of the judgment that remains unsatisfied".

3. On page 8, line 5, strike "defendant" and insert "party".

4. On page 9, line 14, before "A" insert "(1)"; and after line 22 insert the following new subsection:

"(2) A release, covenant not to sue, or similar agreement entered into by a claimant and a person liable shall preclude that person from being made a party or, if an action is pending, shall be a basis for that person's dismissal, but the person's fault, if any, shall be considered in accordance with section 4 of this act.".

5. On page 13, line 8, strike "1990" and insert "1991"; in line 14 strike "section" and insert "sections 13-907, 25-702, and"; and in line 15 after the last comma insert "and section 81-8,214, Revised Statutes Supplement, 1988,".

6. Renumber the remaining sections accordingly.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The third Kristensen amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Conway moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud
Ashford
Baack
Beck
Bernard-Stevens
Chizek
Conway
Coordsen
Hall
Hartnett
Johnson, L.
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Schimek
Schmit
Scofield
Wesely
Withem

Voting in the negative, 16:

Barrett
Crosby
Elmer
Goodrich
Haberman
Hefner
Johnson, R.
Korshoj
Lamb
Langford
Pirsch
Robak
Rogers
Smith
Warner
Wehrbein

Present and not voting, 5:

Byars
Dierks
Hannibal
Peterson
Weihing

Excused and not voting, 3:

Beyer
Chambers
Schellpeper

Advanced to E & R for review with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 851. Placed on General File.
LEGISLATIVE BILL 957. Placed on General File.
LEGISLATIVE BILL 964. Placed on General File.
LEGISLATIVE BILL 966. Placed on General File.
LEGISLATIVE BILL 968. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LEGISLATIVE BILL 900. Placed on General File.
LEGISLATIVE BILL 915. Placed on General File.
LEGISLATIVE BILL 994. Placed on General File.
LEGISLATIVE BILL 997. Placed on General File.
LEGISLATIVE BILL 1010. Placed on General File.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 567 in the Journal. No objections. So ordered.

AM2177

1. On page 5, lines 16 and 21, strike “1992” and insert “1993”.

2. Strike original section 4.

Mr. Withem asked unanimous consent to print the following amendment to LB 567A in the Journal. No objections. So ordered.

AM2178

1. Strike the original section and insert the following new section:

“Section 1. There is hereby appropriated (1) $190,276 from the General Fund for FY1990-91 and (2) $515,260 from the General Fund for FY1991-92, to the State Department of Education, for Program 508, to aid in carrying out the provisions of Legislative Bill 567, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $44,024 for FY1990-91 or $46,440 for FY1991-92.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM2182

1. On page 5, line 21, after the period insert: "If a declaration of sexual abuse, neglect, or physical abuse is made pursuant to this subdivision, the attending physician or his or her agent shall inform the pregnant woman of his or her duty to notify the proper authorities pursuant to sections 28-372 and 28-711.".

NOTICE OF COMMITTEE HEARINGS

Transportation

LB 860	Monday, January, 29, 1990	1:30 p.m.
LB 1075	Monday, January, 29, 1990	1:30 p.m.
LB 1077	Monday, January, 29, 1990	1:30 p.m.
LB 1119	Monday, January, 29, 1990	1:30 p.m.
LB 836	Tuesday, January, 30, 1990	1:30 p.m.
LB 958	Tuesday, January, 30, 1990	1:30 p.m.
LB 988	Tuesday, January, 30, 1990	1:30 p.m.
LB 1007	Tuesday, January, 30, 1990	1:30 p.m.
LB 879	Monday, February 5, 1990	1:30 p.m.
LB 1133	Monday, February 5, 1990	1:30 p.m.
LB 1071	Monday, February 5, 1990	1:30 p.m.
LB 1087	Monday, February 5, 1990	1:30 p.m.
LB 1020	Tuesday, February 6, 1990	1:30 p.m.
LB 1083	Tuesday, February 6, 1990	1:30 p.m.
LB 1134	Tuesday, February 6, 1990	1:30 p.m.
LB 1139	Tuesday, February 6, 1990	1:30 p.m.
LB 1186	Tuesday, February 6, 1990	1:30 p.m.

(Signed) Howard Lamb, Chairperson

Government, Military and Veterans Affairs

LB 1184	Wednesday, January 31, 1990	1:30 p.m.
LB 1032	Wednesday, January 31, 1990	1:30 p.m.

LB 1030	Wednesday, January 31, 1990	1:30 p.m.
LB 1029	Wednesday, January 31, 1990	1:30 p.m.
LB 1019	Friday, February 2, 1990	1:30 p.m.
LB 1155	Friday, February 2, 1990	1:30 p.m.
LB 1172	Friday, February 2, 1990	1:30 p.m.
LB 931	Friday, February 2, 1990	1:30 p.m.
LB 1081	Wednesday, February 7, 1990	1:30 p.m.
LB 1177	Wednesday, February 7, 1990	1:30 p.m.
LB 1200	Wednesday, February 7, 1990	1:30 p.m.
LB 1056	Wednesday, February 7, 1990	1:30 p.m.
LB 1158	Wednesday, February 14, 1990	1:30 p.m.
LB 1011	Wednesday, February 14, 1990	1:30 p.m.
LB 1216	Wednesday, February 14, 1990	1:30 p.m.
LB 1185	Thursday, February 15, 1990	1:30 p.m.
LB 1148	Thursday, February 15, 1990	1:30 p.m.
LB 1096	Thursday, February 15, 1990	1:30 p.m.
LB 1206	Wednesday, February 21, 1990	1:30 p.m.
LB 1052	Wednesday, February 21, 1990	1:30 p.m.
LB 1239	Wednesday, February 21, 1990	1:30 p.m.
LB 837	Thursday, February 22, 1990	1:30 p.m.
LB 868	Thursday, February 22, 1990	1:30 p.m.
LB 1097	Thursday, February 22, 1990	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Judiciary

LB 835	Friday, January 26, 1990	1:30 p.m.
LB 838	Friday, January 26, 1990	1:30 p.m.
LB 882	Friday, January 26, 1990	1:30 p.m.
LB 1152	Friday, January 26, 1990	1:30 p.m.
LB 1203	Friday, January 26, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

General Affairs

LB 1159	Monday, January 29, 1990	1:30 p.m.

(Signed) Jacklyn Smith, Chairperson

Education

LB 1195	Tuesday, January 30, 1990	1:30 p.m.
LB 1180	Monday, February 12, 1990	1:30 p.m.
LB 1197	Monday, February 12, 1990	1:30 p.m.
LB 1201	Monday, February 12, 1990	1:30 p.m.
LB 1226	Tuesday, February 13, 1990	1:30 p.m.
LR 244CA	Tuesday, February 13, 1990	1:30 p.m.

(Signed) Ron Withem, Chairperson

VISITORS

Visitors to the Chamber were Dianne Foltz from Platte Center, Betty Grant from Columbus, Jean/David Miquel from Paris, France, Patty Cervantes from Bolivia, and Shane Walker from Australia; and 30 members of the Nebraska Speech, Language, and Hearing Association.

ADJOURNMENT

At 12:17 p.m., on a motion by Mrs. Crosby, the Legislature adjourned until 9:00 a.m., Monday, January 22, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 22, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 22, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Schellpeper, Warner, Mrs. Pirsch, and Ms. Schimek who were excused; and Messrs. Ashford, Baack, Conway, Hall, R. Johnson, Kristensen, Schmit, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

ANNOUNCEMENT

Mrs. Pirsch designates LB 976 as her priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 90003

DATE: January 18, 1990

SUBJECT:	Constitutionality of Homestead Exemption Legislation
REQUESTED BY:	Senator W. Owen Elmer Nebraska State Legislature
WRITTEN BY:	Robert M. Spire, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the constitutionality of legislation providing exemptions from property taxation to residential real property. Your request simply states there are "several pieces of legislation dealing with this subject . . . ." We assume your request refers to legislation granting a homestead exemption. In the absence of a more specific request, we can only provide you with some general advice regarding the subject of your question.

Article VIII, Section 2, of the Nebraska Constitution, provides, in part:

> . . . No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.

Prior to 1983, the Legislature, pursuant to this constitutional authority, provided a general homestead exemption based on the exemption of a percentage of the value of homestead property in the state. Neb.Rev.Stat. §77-3506 (Cum.Supp. 1980) (repealed Laws 1983, LB 396). Last year, the Legislature enacted a general homestead provision for the 1989 tax year. 1989 Neb. Laws, LB 84, §§7-15 (codified at Neb.Rev.Stat. §§77-3501 and 77-3509.03 to 77-3529 (Supp. 1989)). Thus, there is no constitutional impediment to the enactment of legislation providing for the exemption of a portion of the value of any property actually occupied as a homestead, consistent with the specific terms of Article VIII, Section 2. As we have noted in prior opinions, the principal concern to be considered by the Legislature in acting pursuant to this constitutional authority relates to assurance that any such legislation would base exemption on the "value" of homestead property, and would satisfy the constitutional requirement that any exemption provided be "by any classification of owners as determined by the Legislature. . . ." Report of Attorney General 1979-1980, Opinion No. 223, Feb. 8, 1980, p. 317 Report of Attorney General 1973-1974, Opinion No. 62, May 31, 1973, p. 83.

In conclusion, it is our opinion that, assuming any legislation you may propose establishing a homestead exemption satisfies the criteria outlined above, the requirement of uniformity of taxation under Article VIII, Section 1, would not be violated by the enactment of such legislation.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-331-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 769. Considered.

Mrs. Smith offered the following amendment:
AM1693

1. On page 3, line 5, after the period insert "Prior to the delivery of notification to the pregnant woman's parents, the physician shall inform the pregnant woman of the provisions contained in sections 3, 4, and 6 of this act.".

Mrs. Smith asked unanimous consent to replace her pending amendment, AM1693, with her substitute amendment, AM2182, found in the Journal on page 440. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Smith amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Mrs. Smith withdrew her pending amendment, AM1693, found in this day's Journal.

Mr. Ashford withdrew his pending amendment, AM1427, found in the Journal on page 2149, First Session, 1989.

Mr. Ashford renewed his pending amendment, AM1736, found in the Journal on page 2149, First Session, 1989.

The Ashford amendment lost with 5 ayes, 14 nays, 19 present and not voting, and 11 excused and not voting.

Mr. Ashford renewed his pending amendment, AM1735, found in the Journal on page 2149, First Session, 1989.

Mr. Rogers moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Ashford amendment lost with 10 ayes, 16 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Nelson and Ms. Schimek renewed their pending amendment, FA258, found in the Journal on page 2291, First Session, 1989.

Mrs. Nelson and Ms. Schimek withdrew their pending amendment, FA258.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM1995, found in the Journal on page 145, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his pending amendment, AM1995, found in the Journal on page 145.

Mr. Bernard-Stevens offered the following substitute amendment:
AM2127

1. In the Standing Committee amendments, AM1035:

(a) On page 1, lines 4 and 14, after “parent” insert “or an adult family member”; and

(b) On page 3, line 11, strike “(3)” and insert “(4)”; and in line 13 strike “(4)” and insert “(5)”.

2. On page 2, after line 7 insert the following new subdivision:

“(2) Counselor shall mean a psychiatrist, psychologist, physician, social worker, ordained member of the clergy, physician assistant, nurse practitioner, registered nurse, or practical nurse;”; in line 8 strike

"(2)" and insert "(3)"; in line 19 before "No" insert "(1)"; strike beginning with "at" in line 22 through "abortion" in line 23; in line 24 strike the paragraphing; and strike line 25 and insert "parent or an adult family member at his or her residence or place of work. Upon receipt of the notification, the parent or adult family member shall cause the pregnant woman to meet with a counselor for counseling prior to performance of the abortion.

(2) A counselor who provides pregnancy counseling to a pregnant woman shall, in a manner that will be understood by the pregnant woman:

(a) Explain that the information being given to the pregnant woman is being given objectively and is not intended to coerce, persuade, or induce the pregnant woman to choose to have an abortion or to carry the pregnancy to term;

(b) Explain that the pregnant woman may withdraw a decision to have an abortion at any time before the abortion is performed or may reconsider a decision not to have an abortion at any time within the time period during which an abortion may be legally performed; and

(c) Clearly and fully explore with the pregnant woman the alternative choices available for managing the pregnancy, including:

(i) Carrying the pregnancy to term and keeping the child;

(ii) Carrying the pregnancy to term and placing the child with a relative or another family through foster care or adoption;

(iii) The elements of prenatal and postnatal care; and

(iv) Having an abortion;

(d) Explain that public and private agencies are available to provide birth control information and that a list of these agencies and the services available from each will be provided if the pregnant woman requests;

(e) Discuss the possibility of involving the pregnant woman's parent or adult family member in the decisionmaking concerning the pregnancy and explore whether the pregnant woman believes that involvement would be in her best interests; and

(f) Provide adequate opportunity for the pregnant woman to ask any questions concerning the pregnancy, abortion, child care, and adoption and provide the information the pregnant woman seeks, or, if the counselor cannot provide the information, indicate where the pregnant woman can receive the information.

(3) The counselor shall have the pregnant woman sign and date a form prescribed by the Department of Social Services which indicates that:

(a) The pregnant woman has received information on prenatal care and alternatives to abortion and that there are agencies that will provide assistance;

(b) The pregnant woman has received an explanation that she may withdraw an abortion decision or reconsider a decision to carry a pregnancy to term;

(c) The alternatives available for managing the pregnancy have been clearly and fully explored with the pregnant woman;

(d) The pregnant woman has received an explanation about agencies available to provide birth control information;

(e) The pregnant woman has discussed with the counselor the possibility of involving the parent or adult family member in the decisionmaking about the pregnancy. Any reasons for not involving the parent or adult family member shall be written on the form by the pregnant woman or the counselor; and

(f) The pregnant woman has been given an adequate opportunity to ask questions.

The counselor shall sign and date the form and include his or her address and telephone number. The counselor shall keep a copy for his or her files and shall give the form to the pregnant woman or, if the pregnant women requests and the counselor is not the attending physician, transmit the form to the attending physician.".

3. On page 3, strike lines 1 through 5.

4. On page 5, line 14, after the semicolon insert "or": strike lines 15 and 16; in line 17 strike "(3)" and insert "(2)" and strike "is a" and insert "has become pregnant as a result"; and strike line 18 and insert "of sexual abuse or abuse as".

Mr. Bernard-Stevens requested a division of the question on his amendment.

The Chair sustained the division of the question.

Mrs. Labedz challenged the ruling of the Chair. The question is, “Shall the Chair be overruled?“

Pending.

Ms. Scofield moved to bracket LB 769 until January 24, 1990.

Mr. Hall moved the previous question. The question is, “Shall the debate now close?”

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Hall motion to cease debate.

Voting in the affirmative, 36:

Abboud
Ashford
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Moore
Morrissey
Peterson
Robak
Rogers
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 3:

Baack
Bernard-Stevens
Landis

Present and not voting, 4:

Haberman
Hannibal
Lynch
Nelson

Excused and not voting, 6:

Chambers
Johnson, R.
Pirsch
Schellpeper
Schimek

Warner

The Hall motion to cease debate prevailed with 36 ayes, 3 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens requested a record vote on the Scofield motion to bracket.

Voting in the affirmative, 11:

Ashford
Baack
Bernard-Stevens
Haberman
Landis
Lynch
Morrissey
Nelson
Scofield
Weihing
Wesely

Voting in the negative, 33:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Moore
Peterson
Robak
Rogers
Schmit
Smith
Wehrbein
Withem

Excused and not voting, 5:

Chambers
Pirsch
Schellpeper
Schimek
Warner

The Scofield motion to bracket lost with 11 ayes, 33 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Labedz pending motion to overrule the Chair was renewed.

Mr. Moore requested a record vote on the Labedz motion to overrule the Chair.

Voting in the affirmative, 24:

Beck
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Peterson
Robak
Rogers
Schmit

Voting in the negative, 14:

Abboud
Ashford
Baack
Bernard-Stevens
Haberman
Hannibal
Landis
Moore
Morrissey
Nelson
Scofield
Smith
Wesely
Withem

Present and not voting, 5:

Barrett
Chizek
Johnson, R.
Wehrbein
Weihing

Excused and not voting, 6:

Chambers
Lynch
Pirsch
Schellpeper
Schimek
Warner

The Labedz motion to overrule the Chair prevailed with 24 ayes, 14 nays, 5 present and not voting, and 6 excused and not voting.

The Chair was overruled.

Mr. Bernard-Stevens renewed his pending amendment, AM2127, found in this day's Journal.

Mr. Bernard-Stevens requested a division of the question on his amendment.

The Chair ruled the division of the question out of order.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 1061	Monday, January 29, 1990	1:30 p.m.
LB 1094	Monday, January 29, 1990	1:30 p.m.
LB 1146	Monday, January 29, 1990	1:30 p.m.
LB 1199	Monday, January 29, 1990	1:30 p.m.
LB 1066	Tuesday, January 30, 1990	1:30 p.m.
LB 1069	Tuesday, January 30, 1990	1:30 p.m.
LB 1230	Tuesday, January 30, 1990	1:30 p.m.
LB 1045	Monday, February 5, 1990	1:30 p.m.
LB 1110	Monday, February 5, 1990	1:30 p.m.
LB 1123	Monday, February 5, 1990	1:30 p.m.
LB 1149	Monday, February 5, 1990	1:30 p.m.
LB 1153	Tuesday, February 6, 1990	1:30 p.m.
LB 1165	Tuesday, February 6, 1990	1:30 p.m.
LB 1217	Tuesday, February 6, 1990	1:30 p.m.
LB 1228	Tuesday, February 6, 1990	1:30 p.m.
LB 1241	Tuesday, February 6, 1990	1:30 p.m.
LB 1160	Monday, February 12, 1990	1:30 p.m.
LB 1161	Monday, February 12, 1990	1:30 p.m.
LB 1192	Monday, February 12, 1990	1:30 p.m.
LB 1193	Monday, February 12, 1990	1:30 p.m.
LB 1072	Tuesday, February 13, 1990	1:30 p.m.
LB 1073	Tuesday, February 13, 1990	1:30 p.m.
LB 1136	Tuesday, February 13, 1990	1:30 p.m.
LB 1191	Tuesday, February 13, 1990	1:30 p.m.

Governor Appointment Tuesday, January 30, 1990 1:30 p.m.
Ann L. Spence - Nebraska Investment Council

(Signed) David Landis, Chairperson

Business and Labor

LB 1173	Monday, February 5, 1990	1:30 p.m.
LB 1178	Monday, February 5, 1990	1:30 p.m.

(Signed) George Coordsen, Chairperson

Nebraska Retirement Systems

LB 1039	Monday, February 5, 1990	12:00 Noon
LB 1105	Monday, February 5, 1990	12:00 Noon
LB 903	Monday, February 12, 1990	12:00 Noon
LB 959	Monday, February 12, 1990	12:00 Noon
Governor Appointments	Monday, February 12, 1990	12:00 Noon

Public Employees Retirement Board
Connie Witt
Jim Murphy

(Signed) Rex Haberman, Chairperson

Appropriations

LB 1207	Tuesday, January 30, 1990	3:00 p.m.

(Signed) Lowell Johnson, Vice Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 240 in the Journal. No objections. So ordered.

AM2173

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 7. The Legislature finds that 911 emergency telephone communications systems further the public interest and protect the health, safety, and welfare of the people of Nebraska. The purpose of sections 7 to 15 of this act is to fund the development, installation, and operation of 911 emergency telephone communications systems throughout the state.

Sec. 8. For purposes of sections 7 to 15 of this act:

(1) Governing body shall mean the board of county commissioners or supervisors of a county, the city council of a city, the board of trustees of a village, or the board of directors of any rural or suburban fire protection district;

(2) Local exchange access line shall mean any telephone line that has the ability to access local dial tone and reach local public safety agencies;

(3) 911 service shall mean a telephone service which provides a service user with the ability to reach a public safety answering point by dialing the digits 911 for the purpose of reporting emergencies. The level of technology to be used for the provision of 911 service in a particular 911 service area shall be determined by the governing bodies having jurisdiction over such area;

(4) 911 service area shall mean the portion of a governing body's jurisdiction in which 911 service is provided;

(5) Public safety agency shall mean an agency which actually provides firefighting, law enforcement, ambulance, emergency medical, or other emergency services;

(6) Public safety answering point shall mean a twenty-four-hour, local-jurisdiction communications facility which receives 911 service calls and either directly dispatches emergency services or relays calls to the appropriate public safety agency;

(7) Service supplier shall mean any person providing 911 service in this state;

(8) Service surcharge shall mean a charge set by a governing body and assessed on each local exchange access line which physically terminates within the governing body's designated 911 service area; and

(9) Service user shall mean any person who is provided local exchange access line service in this state.

Sec. 9. (1) A governing body may incur any nonrecurring or recurring charges for the installation, maintenance, and operation of 911 service and shall pay such costs out of general funds which may be supplemented by funds from the imposition of a service surcharge. A governing body incurring costs for 911 service may impose a uniform service surcharge in an amount not to exceed fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area. The initial service surcharge may be imposed at any time subsequent to the execution of an agreement for 911 service with a service supplier.

(2) If 911 service is to be provided for a territory which is included in whole or in part in the jurisdiction of two or more governing bodies, the agreement for such service shall be entered into by each such governing body unless any such governing body expressly excludes itself from the agreement. Such an agreement shall provide that each governing body which is a customer of 911 service will pay for its portion of the service. Nothing in this subsection shall be construed to prevent two or more governing bodies from entering into a contract which establishes a separate legal entity for the purpose of entering into such an agreement as the customer of the service supplier or any supplier of equipment for 911 service.

Sec. 10. A service user shall pay service surcharges in each 911 service area where the service user has local exchange access line service and receives 911 service, except that an individual service user shall not be required to pay on a single periodic billing service surcharges on more than one hundred local exchange access lines, or their equivalent, in any single 911 service area. Every service user shall be liable for any service surcharge billed to such user until the surcharge has been paid to the service supplier.

The duty of a service supplier to bill a service surcharge to a service user shall commence at such time as may be specified by the governing body. Service surcharges imposed by a governing body shall be stated separately in the service supplier's billings to the service user. A service surcharge shall be collected as far as practicable at the same time as and along with the charges for local exchange access lines in accordance with the regular billing practice of the service supplier.

A service supplier shall have no obligation to take any legal action to enforce the collection of any service surcharge imposed pursuant to section 9 of this act. Such action may be brought by or on behalf of the governing body imposing the charge or the separate legal entity formed pursuant to such section. A service supplier shall annually provide the governing body a list of the amounts uncollected along with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be for nonpayment of any service surcharge. The service supplier shall not be liable for such uncollected amounts.

Sec. 11. (1) The amount of service surcharges collected in one calendar quarter by a service supplier, less the amount authorized to be retained by the service supplier under subsection (2) of this section, shall be remitted to the governing body no later than sixty days after the close of that calendar quarter. At the time of the remittance, the service supplier shall file a return for the remittance with the governing body in such form as the governing body and the service supplier agree upon. The service supplier shall maintain a record of the amount of service surcharges collected. The record shall be maintained for a period of one year after the date the amount was billed. A governing body may at its own expense require an annual audit of a service supplier's books and records concerning the collection and remittance of a service surcharge.

(2) From every remittance to a governing body, a service supplier shall be entitled to deduct and retain two percent of the collected amount as reimbursement for the cost of collecting the surcharge.

Sec. 12. Each calendar year, the governing body shall establish the rate of the service surcharge, not to exceed the amount authorized by section 9 of this act. that together with any surplus revenue carried forward will produce sufficient revenue to fund the expenditures described in section 7 of this act. Amounts collected in excess of such necessary expenditures within a given year shall be carried forward to the next year. A governing body shall make its determination of the rate no later than September 1 of each year and, if it is a new rate, shall fix the new rate to take effect commencing with the first billing period of each service user on or following the next January 1. The governing body shall notify by certified or registered mail every service supplier of any change in the rate at least ninety days before the new rate becomes effective.

Sec. 13. Funds collected by a governing body from the imposition of a service surcharge shall be credited to a separate fund apart from the general revenue of the governing body and shall be used solely to pay for costs for 911 service. Any money remaining in the fund at the end of any fiscal year shall remain in the fund for payments during any succeeding year, except that if 911 service is discontinued, money remaining in the fund after payment of all costs related to 911 service have been made shall be transferred to the general fund of the public safety agency or proportionately to the general fund of each participating public safety agency.

Sec. 14. Any governing body authorized to impose a service surcharge may enter into an agreement directly with a service supplier of 911 service or may contract and cooperate with any public safety agency, with other states or their political subdivisions, or with any association or corporation for the administration of 911 service as provided by law.

Sec. 15. The 911 service described in sections 7 to 15 of this act are within the governmental powers and authorities of a governing body or public safety agency. In contracting for such service and in the providing such service, except for willful or wanton negligence or intentional acts, each governing body, public safety agency, and service supplier and their employees and agents shall be immune from liability or the payment for any damages in the performance of installing, maintaining, or providing 911 service.".

2. On page 1, strike beginning with "persons" in line 1 through "impairments" in line 2 and insert "telephone services"; in line 3 strike "require a surcharge" and insert "provide for surcharges"; and in line 5 after "system" insert "for persons with hearing or speech impairments" and after the second semicolon insert "to provide for the funding of 911 emergency telephone communications systems; to authorize certain agreements; to provide immunity from liability;".

3. On page 2, lines 1 and 7; and page 5, lines 9 and 13, before "this" insert "sections 1 to 6 of".

4. Renumber the remaining section accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 567 in the Journal. No objections. So ordered.

FA335

Section 3., page 5, line 15, add new subsection (4).

(4) One pilot project must be located in Congressional District Number One; one pilot project must be located in Congressional District Number Two; and, two pilot projects must be located in Congressional District Number Three.

Renumber the remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 567 in the Journal. No objections. So ordered.

FA336

Section 3, page 5, line 15, add new subsection (4).

(4) One pilot project must be located in Congressional District One; two pilot projects must be located in Congressional District Two; and, one pilot project must be located in Congressional District Three.

Renumber the remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 567 in the Journal. No objections. So ordered.

FA337

on page 4, line 20, after the word "coordinated", strike the words "or contracted"

Mr. Beyer asked unanimous consent to print the following amendment to LB 799 in the Journal. No objections. So ordered.

AM2175

1. On page 13, line 23; and page 15, line 3, strike "three" and insert "seven".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 830. Placed on General File.
LEGISLATIVE BILL 857. Placed on General File.
LEGISLATIVE BILL 874. Placed on General File.
LEGISLATIVE BILL 893. Placed on General File.
LEGISLATIVE BILL 918. Placed on General File.

LEGISLATIVE BILL 930. Placed on General File.
LEGISLATIVE BILL 933. Placed on General File.
LEGISLATIVE BILL 970. Placed on General File.

(Signed) Dennis Baack, Chairperson

Natural Resources

LEGISLATIVE BILL 842. Placed on General File.
LEGISLATIVE BILL 940. Placed on General File.
LEGISLATIVE BILL 941. Placed on General File.

The Committee on Natural Resources desires to report favorably upon the reappointment listed below. The Committee suggests the reappointment be confirmed by the Legislature and suggests a record vote.

James L. Eatmon - Oil and Gas Commission

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, and Weihing. Absent: Senators Rod Johnson, Morrissey, and Smith.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM2111

1. Insert the following new section:

"Sec. 8. In accordance with the family policy objectives prescribed in sections 43-532 to 43-534, specifically the objectives emphasizing prevention and early intervention in the lives of at-risk children, the Legislature finds that it is in the best interests of the state and of children to prevent teen pregnancy and to promote the positive development of children at risk of becoming pregnant. The Legislature further finds that the strongest foundation and motivation for positive development and for refusing to engage in risk-taking behaviors that result in adolescent pregnancy, drug and alcohol abuse, school failure, and teen suicide are the development at an early age of a strong sense of well-being and self-esteem, decision-making and goal-setting skills, leadership skills, an understanding of peer pressure, and meaningful personal relationships with others, including the child's parents, teachers, and peers and the community. The Legislature recognizes that schools, in conjunction with parents and other community organizations, are essential providers of the information and motivation young people need to develop the goals and skills which result in productive citizens. The Legislature finds that the early identification of behaviors that place a child at risk and providing a comprehensive community network of activities to address such at-risk behaviors before they become serious is in the best interests of the child. In furtherance of the Legislature's belief that parents should be informed about their child's at-risk behaviors, the schools shall work with parents whenever possible to identify and communicate behaviors and conditions that place the child at risk.

In keeping with the findings prescribed in this section, there is hereby appropriated (1) $500,000 from the General Fund for FY1990-91 and (2) $500,000 from the General Fund for FY1991-92, to the State Department of Education, for the purpose of providing support to school districts for the development of programs, services, or activities for children demonstrating at-risk behaviors. Such activities may include, but shall not be limited to:

(a) Early identification, prevention, and intervention programs, services, or activities to build self-esteem, assist children in the development of work-related skills and career planning, assist children in the development of goal-setting, decision-making, leadership, and management skills, assist children in the development of positive personal relationships with their parents, teachers, and peers, and assist children in becoming an integral part of the community; and

(b) Intervention programs, services, or activities intended to assist teen mothers and teen fathers in the development of skills needed to handle the pressures of parenthood and to build a strong, caring relationship with the child, completing their education, the development of work-related skills and career planning, the development of financial planning and management skills, the identification of abusive behaviors, such as child abuse, sexual abuse, and drug and alcohol abuse, and the development of skills to address those behaviors, and becoming an integral part of the community.

In carrying out the intent of this section, schools shall work with parents and with other community-based agencies or organizations in the development of programs, services, or activities to address the needs of children demonstrating at-risk behaviors.".

2. In the Lindsay amendment, FA215, on page 1, line 3, after the first "of" insert "sections 1 to 6 of".

3. In the Standing Committee amendments, AM1035, on page 2, line 13, after "to" insert "sections 1 to 7 of"; and in line 22 after "under" insert "sections 1 to 7 of".

4. On page 2, line 1, after "of" insert "sections 1 to 7 of".

5. On page 4, line 19, after "to" insert "sections 1 to 7 of".

6. On page 5, line 8, after "to" insert "sections 1 to 7 of"; and in line 23 after "of" insert "sections 1 to 7 of".

7. On page 6, line 3, after "under" insert "sections 1 to 7 of"; and in line 7 after "with" insert "such sections".

8. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were Bill and Jo Brennan from Douglas, Wyoming; and James Friesen from Henderson.

MOTION - Adjournment

Mr. Bernard-Stevens moved to adjourn until Tuesday, January 23, 1990. The motion prevailed with 21 ayes, 7 nays, 15 present and not voting, and 6 excused and not voting, and at 12:01 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, January 23, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 23, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 23, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Steve Fenton, Garden View Assembly of God, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Conway, Coordsen, Hall, R. Johnson, Lindsay, Moore, Morrissey, Schmit, Withem, Mmes. Nelson, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1009. Placed on General File as amended.
Standing Committee amendment to LB 1009:
AM2197

1. Strike original section 6.
2. Renumber the remaining sections accordingly.

(Signed) Dennis Baack, Chairperson

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 943	Tuesday, January 30, 1990	1:30 p.m.
LB 944	Tuesday, January 30, 1990	1:30 p.m.
LB 945	Tuesday, January 30, 1990	1:30 p.m.
LB 1106	Tuesday, January 30, 1990	1:30 p.m.
LB 1171	Tuesday, February 6, 1990	1:30 p.m.
LB 1221	Tuesday, February 6, 1990	1:30 p.m.
LB 1229	Tuesday, February 6, 1990	1:30 p.m.
LB 867	Tuesday, February 13, 1990	1:30 p.m.
LB 912	Tuesday, February 13, 1990	1:30 p.m.
LB 1093	Tuesday, February 13, 1990	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 610 in the Journal. No objections. So ordered.

AM1992

1. Insert the following new section:

“Sec. 9. Notwithstanding any other provision of law regarding confidentiality of records, for purposes of carrying out his or her duties, an area agency long-term care ombudsman shall have access to any records of the Department of Health, Department of Public Institutions, and the Department of Social Services relating to any patient, resident, or complainant who has given written consent to the ombudsman to review his or her records or to any records of the facility regarding such patient, resident, or complainant who has given such written consent. In those cases when a patient, resident, or complainant is unable to consent to a review of his or her records and he or she does not have a legal guardian, the ombudsman shall have access to the records relevant to the case of the specific patient, resident, or complainant under investigation by the ombudsman. Such information shall be used for no other purpose and shall be kept confidential by the ombudsman unless otherwise authorized by law.”.

2. On page 4, line 23, after “Aging” insert “or failure to allow an area agency long-term care ombudsman access to such health care facilities for the purpose of conducting investigations necessary to carry out his or her duties”.

3. On page 5, line 2; and page 10, line 9, after “Aging” insert “or an area agency long-term care ombudsman”.

4. On page 10, line 4, after “Aging” insert “or failure to allow an area agency long-term care ombudsman access to the boarding home for the purpose of conducting investigations necessary to carry out his or her duties”.

5. On page 11, line 18, and page 14, line 6, after the comma insert “an area agency long-term care ombudsman,”.

6. Renumber the remaining sections accordingly.

7. In the Standing Committee amendment, AM0155, on page 1, line 8, strike “or” and insert an underscored comma; and in line 12 after “department” insert “, or (c) an area agency long-term care ombudsman, acting in his or her official capacity, from entering a nursing home to conduct an investigation”.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Loup	
J. Marvin Weems, P.C.	873.00

REPORT

Report forms summarizing the status of interim studies, as submitted pursuant to Rule 4, Section 3(g), are on file in the Clerk’s Office, Room 2018. Committee filing a report is Nebraska Retirement Systems.

ANNOUNCEMENT

Mr. Wehrbein designates LB 269 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 240A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 662A. Title read. Considered.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Ms. Scofield requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Elmer
Goodrich
Hannibal
Hartnett
Korshoj
Kristensen
Labedz
Landis
Lynch
Nelson
Robak
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 3:

Hefner
Lamb
Schellpeper

Present and not voting, 6:

Crosby
Haberman
Johnson, L.
Langford
Peterson
Rogers

Absent and not voting, 1:

McFarland

Excused and not voting, 12:

Conway
Coordsen
Dierks
Hall
Johnson, R.
Lindsay
Moore
Morrissey
Pirsch
Schimek
Schmit
Withem

Advanced to E & R for review with 27 ayes, 3 nays, 6 present and not voting, 1 absent and not voting, and 12 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 993	Wednesday, January 31, 1990	1:30 p.m.
LB 1006	Wednesday, January 31, 1990	1:30 p.m.
LB 1224	Wednesday, January 31, 1990	1:30 p.m.

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 848. Placed on General File as amended.
Standing Committee amendment to LB 848:
AM2198

1. On page 2, lines 5 and 13, strike "1997" and insert "1995".

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 769. The Bernard-Stevens pending motion, found in the Journal on page 451, to challenge the ruling of the Chair, was renewed.

Messrs. Beyer and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 14:

Ashford
Baack
Haberman
Hannibal
Landis
Lynch
Morrissey
Nelson
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 18:

Abboud
Beck
Byars
Coordsen
Crosby
Dierks
Elmer
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
McFarland
Peterson
Pirsch
Robak

Present and not voting, 12:

Barrett
Bernard-Stevens
Chambers
Chizek
Goodrich
Hall
Hartnett
Johnson, R.
Lindsay
Moore
Rogers
Schellpeper

Excused and not voting, 5:

Beyer
Conway
Schimek
Schmit
Withem

The Bernard-Stevens motion to overrule the Chair lost with 14 ayes, 18 nays, 12 present and not voting, and 5 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved to reconsider the vote to overrule the Chair on the divisibility of Bernard-Stevens amendment.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens raised a point of order regarding whether there had been a full and fair debate on the Bernard-Stevens motion to reconsider.

The Chair overruled the point of order stating there had been a full and fair debate on the Bernard-Stevens motion to reconsider.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 0 nays, and 26 not voting.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers motion to overrule the Chair lost with 6 ayes, 23 nays, 17 present and not voting, and 3 excused and not voting.

The pending Hefner motion to cease debate prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 17:

Baack
Bernard-Stevens
Chambers
Haberman
Johnson, R.
Landis
Lynch
Moore
Morrissey
Nelson
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 32:

Abboud
Ashford
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby

Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Withem

Not voting, 0.

The Bernard-Stevens motion to reconsider lost with 17 ayes, 32 nays, and 0 not voting.

The Chair declared the call raised.

Mr. Lindsay asked unanimous consent to bracket LB 769 until 9:00 a.m., January 24, 1990.

Mr. Chambers objected.

Mr. Lindsay withdrew his pending motion to bracket.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 159. Placed on Select File as amended.
E & R amendment to LB 159:
AM7111

1. On page 1, line 1, strike "section" and insert "sections 13-907, 25-702, and"; in line 3 after "1943" insert ", and section 81-8,214, Revised Statutes Supplement, 1988"; and in line 12 after the semicolon insert "to change trial procedures for certain tort claims; to authorize third-party actions as prescribed;".
2. On page 2, line 4, strike the first "section" and insert "sections".
3. On page 11, line 6, strike "plaintiff" and insert "claimant".

Correctly Engrossed

The following bills were correctly engrossed: 259, 259A, 534, 601, 730, 818, 819, and 820.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 259

The following changes, required to be reported for publication in the Journal, have been made:
ER6234

1. In the Lamb amendment, FA 331, “word ‘facility’ ” has been struck and “second comma” inserted.

2. In the Baack-Withem amendment, AM2166, on page 1, line 12, “budgeted” has been struck and “budget of” inserted and “expense” has been struck and “expenses” inserted.

3. In the Withem amendment, AM2140:

a. On page 2, lines 12 and 15, “in the county” has been struck; and in line 20 “subdivision” has been struck and “subsection” inserted; and

b. On page 3, the matter beginning with “in” in line 8 through “county” in line 9 has been struck.

4. In the Dierks amendment, AM 2157, on page 1, line 7, “or legal voters” has been inserted after “education”; and in lines 7, 9, and 10 “or plan” has been inserted after “petition”.

5. In the E & R amendment, AM7093:

a. On page 16, line 7, “(1)” has been struck; and

b. On page 19, line 8, an underscored semicolon has been inserted after “district”.

6. On page 1, the matter beginning with “change” in line 12 through “to” in line 13 has been struck and “provide for” inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1088. Placed on General File.

(Signed) David Landis, Chairperson

General Affairs

LEGISLATIVE BILL 863. Placed on General File.

LEGISLATIVE BILL 1001. Placed on General File as amended.

Standing Committee amendment to LB 1001:
AM2191

1. On page 2, line 2, strike "the fourth Friday in April" and insert "April 28".

(Signed) Jacklyn Smith, Chairperson

Education

LEGISLATIVE BILL 960. Placed on General File.

LEGISLATIVE BILL 160. Indefinitely postponed.
LEGISLATIVE BILL 337. Indefinitely postponed.
LEGISLATIVE BILL 393. Indefinitely postponed.
LEGISLATIVE BILL 590. Indefinitely postponed.
LEGISLATIVE BILL 740. Indefinitely postponed.
LEGISLATIVE BILL 935. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

Governor appointment
Cancel - Monday, February 12, 1990, 12:00 noon
Jim Murphy - Public Employees Retirement Board

(Signed) Rex Haberman, Chairperson

General Affairs

LB 947	Monday, February 5, 1990	1:30 p.m.
LB 1049	Monday, February 5, 1990	1:30 p.m.
LB 1053	Monday, February 5, 1990	1:30 p.m.
LB 1102	Monday, February 5, 1990	1:30 p.m.
LB 1236	Monday, February 5, 1990	1:30 p.m.
LB 1120	Monday, February 12, 1990	1:30 p.m.
LB 1128	Monday, February 12, 1990	1:30 p.m.
LB 1157	Monday, February 12, 1990	1:30 p.m.
LR 241CA	Monday, February 12, 1990	1:30 p.m.

(Signed) Jacklyn Smith, Chairperson

MOTION - Adjournment

Mr. Bernard-Stevens moved to adjourn until 9:00 a.m., January 24, 1990. The motion lost with 3 ayes, 23 nays, and 23 present and not voting.

GENERAL FILE

LEGISLATIVE BILL 769. Ms. Scofield moved to recommit to committee.

Messrs. Lynch and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 887. Placed on General File.
LEGISLATIVE BILL 902. Placed on General File.

(Signed) Howard Lamb, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 246. Introduced by Kristensen, 37th District; Landis, 46th District; Barrett, 39th District; Nelson, 35th District; Hannibal, 4th District; Lynch, 13th District; Warner, 25th District; Chizek, 31st District; Lindsay, 9th District; Langford, 36th District; McFarland, 28th District; Abboud, 12th District; Hefner, 19th District; Pirsch, 10th District.

WHEREAS, on February 2, 1790, the Supreme Court of the United States convened for the first time with a quorum present; and

WHEREAS, the commission on the Bicentennial of the United States Constitution is emphasizing the Judiciary during 1990; and

WHEREAS, in February 1990 the anniversary of the first meeting of the U.S. Supreme Court and the beginning of two hundred years of partnership between our federal and state judicial systems will be commemorated; and

WHEREAS, the U.S. Supreme Court interprets and construes the United States Constitution and plays a most important role in guaranteeing the rights set forth in the United States Constitution; and

WHEREAS, the occasion should be celebrated with ceremonial and educational activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature joins in the commemoration of the bicentennial of the first meeting of the U.S. Supreme Court.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 260 in the Journal. No objections. So ordered.

AM2218

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Illegal Drug Tax Act.

Sec. 2. (1) It is hereby declared to be a taxable activity for anyone to engage in the unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, storage, or possession of any controlled substances in this state. A tax is hereby imposed upon such activity for each taxable transaction or incident, including each occasional or isolated unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, storage, or possession, at the rate of fifty percent of the estimated retail value of the controlled substances.

(2) A penalty of twenty-five percent of the estimated retail value of the controlled substances is hereby imposed on each taxable transaction or incident, if, at the time of the occurrence of the transaction or incident the tax imposed in subsection (1) of this section has not been paid.

(3) The tax shall be collected from any individual engaged in the unlawful sale, use, consumption, distribution, manufacture, derivation,

production, transportation, storage, or possession of any controlled substance in this state.

(4) The tax shall not be imposed on any federal, state, or local government officer or employee, or his or her agent, acting in an official capacity or any other person registered or otherwise lawfully in possession of a controlled substance pursuant to the Uniform Controlled Substances Act.

(5) For purposes of the Illegal Drug Tax Act, controlled substance shall mean any controlled substance defined in sections 28-401 and 28-405.

Sec. 3. The retail value of the controlled substance shall be the actual retail sales price, if known, or the estimated retail value of the controlled substance as determined by the Nebraska State Patrol. Such determination shall be presumed to be the actual retail value of such drugs for all purposes of the Illegal Drug Tax Act.

Sec. 4. (1) Upon being notified by law enforcement officials of any transactions involving a controlled substance or any individual possessing such controlled substance who has not previously paid the tax on such substance the Tax Commissioner shall immediately issue a jeopardy notice of deficiency determination.

(2) The jeopardy notice of deficiency determination on the sale, use, consumption, distribution, manufacture, derivation, production, transportation, storage, or possession of the controlled substance shall be presumed to be correct in any subsequent actions regarding the notice. The taxpayer shall have the burden or proof to show that notice of deficiency determination is incorrect.

(3) The suppression of evidence on any ground by a court in a criminal matter involving a transaction or incident taxable under the Illegal Drug Tax Act or the dismissal of criminal charges in such matter shall not affect any jeopardy notice of deficiency determination or any assessment made under the act.

(4) The jeopardy notice of deficiency determination shall immediately constitute a lien as defined in the Uniform State Tax Lien Registration and Enforcement Act in favor of the State of Nebraska on all property and rights to property, whether real or personal, belonging to such individual against whom the

deficiency was determined.

(5) The Tax Commissioner or any person designated by him or her shall immediately begin collection efforts notwithstanding any right to petition for redetermination of the tax.

(6) If any deficiency determined under the Illegal Drug Tax Act is not paid upon receipt of the notice, the deficiency shall accrue interest at the rate specified in section 45-104.01, as such rate from time to time is adjusted by the Legislature, for the period from the date of the jeopardy notice of deficiency determination until the date such deficiency is paid.

Sec. 5. (1) Any individual who received a jeopardy notice of deficiency determination of the tax due under the Illegal Drug Tax Act may petition for redetermination of the deficiency.

(2) The petition for redetermination shall be filed within ten days of the receipt of the jeopardy notice of deficiency determination whenever served in person or within ten days of the mailing of such notice by certified or registered mail to the last-known address of the individual.

(3) The petition for redetermination shall be in writing and shall state the specific grounds upon which the claim is founded.

(4) The petition for redetermination shall be accompanied by the payment of the tax or suitable security for the payment of the tax.

(5) The consideration of the petition for redetermination of the deficiency shall be made pursuant to the Administrative Procedure Act to the extent such provisions are not in conflict with the Illegal Drug Tax Act.

(6) The determination of deficiency shall become final and the amount shall be deemed to be assessed on the date provided in subsection (2) of this section if the individual fails to file the petition for redetermination and the appropriate security within the ten-day time period.

(7) When a petition for redetermination and the appropriate security is filed within the ten-day time period, the amount of the deficiency shall be deemed to be assessed upon the date the determination of the Tax Commissioner becomes final.

(8) The tax imposed under the Illegal Drug Tax Act may be paid voluntarily at any time prior to the issuance of a jeopardy notice of deficiency determination under section 5 of this act. The Tax Commissioner shall establish procedures for such voluntary payment. All information related to such voluntary payment shall be confidential and shall not be used in any criminal proceeding.

Sec. 6. (1) All jeopardy notices of deficiency determination, all information provided to the Department of Revenue by law enforcement officers, and all information provided by individuals making payment of the tax pursuant to the Illegal Drug Tax Act shall be confidential. Any disclosure of such information shall be treated in the same manner as a violation under section 77-27,119.

(2) Nothing in subsection (1) of this section shall prohibit the Tax Commissioner from disclosing information relating to jeopardy notices of deficiency determination to law enforcement officials authorized by the Tax Commissioner to issue notices of deficiency determination, any judges pursuant to section 10 of this act, and collection agencies for the purpose of collecting delinquent taxes due from a taxpayer not residing or domiciled in this state.

Sec. 7. (1) The Tax Commissioner may delegate to any law enforcement official of this state, including county attorneys, the authorization to make the jeopardy determination of deficiency and to issue the appropriate notice.

(2) The Tax Commissioner or any person authorized by him or her may transmit any documents required by the Illegal Drug Tax Act by facsimile. The documents received in such a manner shall be considered for all purposes of the act as if they were the signed originals of the documents.

Sec. 8. (1) If the Tax Commissioner determines that any tax imposed under the Illegal Drug Tax Act has been paid more than once or has been erroneously or illegally collected or computed, the Tax Commissioner shall set forth that fact in his or her records, and the amount collected may be refunded to the person by whom it was paid or his or her successors, administrators, or executors.

(2) No refund shall be allowed unless the tax was voluntarily paid under subsection (8) of section 6 of this act or a petition for redetermination as set out in section 6 of this act has been timely filed protesting the jeopardy notice of deficiency determination. Failure to timely file the petition for redetermination shall constitute a waiver of any demand against this state, and no suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected or on account of any overpayment pursuant to the act.

Sec. 9. In any criminal matter involving the unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, storage, or possession of controlled substances before the courts of this state, the judge may consider the amount of the tax imposed by the Illegal Drug Tax Act in the setting of the bond for an individual or may require the posting of other security for the payment of the tax.

Sec. 10. Nothing in the Illegal Drug Tax Act shall in any manner provide immunity for an individual from any criminal prosecution.

Sec. 11. (1) Fifty percent of the amounts collected under the Illegal Drug Tax Act shall be remitted to the State Treasurer for credit to the Drug Abuse Education Fund which is hereby created. The other fifty percent of the amounts collected under the act shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Drug Control Cash Fund.

(2) The Drug Abuse Education Fund shall be administered by the Division of Drug Control of the Nebraska State Patrol and may be utilized in any education program under section 28-434. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 12. This act shall become operative on July 1, 1990.".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 1113. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 769. The Scofield pending motion to recommit to committee was renewed.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Scofield motion to recommit to committee.

Voting in the affirmative, 9:

Baack
Chambers
Haberman
Landis
Morrissey
Schimek
Scofield
Warner
Weihing

Voting in the negative, 32:

Abboud
Barrett
Beck
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Moore
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Withem

Present and not voting, 6:

Ashford
Bernard-Stevens
Hannibal
Korshoj
Nelson
Wesely

Excused and not voting, 2:

Beyer
Lynch

The Scofield motion to recommit to committee lost with 9 ayes, 32 nays, 6 present and not voting, and 2 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

AM2188

1. Insert the following new sections:

"Section 19. That section 71-1910, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1910. ~~As used in~~ For purposes of sections 71-1908 to 71-1918 and section 20 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Director shall mean the Director of Social Services; ~~and~~

(3) Early childhood program or program shall mean the provision of services in lieu of parental supervision for children under twelve years of age for compensation, either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored day care, family day care home, day care center, before-and-after-school day care program, before-and-after-school services pursuant to section 79-444, or preschool or nursery school, but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than day care or preschool or nursery schools, a preschool program conducted in a school approved pursuant to section 79-328, or child care as defined in section 71-1901;

(4) Infant shall mean a child under eighteen months of age;

(5) Preschool-age child shall mean a child eighteen months of age or older and not enrolled in grades kindergarten and above; and

(6) School-age child shall mean a child enrolled in grades kindergarten and above.

Sec. 20. A family day care home licensed pursuant to section 71-1911 shall not exceed the following caregiver-to-child ratios:

(1) If care is provided for infants only, a

caregiver shall care for not more than four children at any one time, including the caregiver's own children under eight years of age;

(2) If the caregiver's children are school-age children and care is provided for school-age children only, a caregiver shall care for not more than ten children at any one time, including the caregiver's own children under eight years of age; and

(3) If care is provided for infants, preschool-age children, and school-age children, a caregiver shall care for (a) not more than an average of eight children per day during a one-week period, (b) not more than ten children at any one time, including the caregiver's own children under eight years of age, and (c) not more than two children shall be under eighteen months of age.

The department shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 22, line 8, strike "section" and insert "sections 71-1910 and".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 26 students and sponsors from Parkview Christian School, Lincoln; and Arnie Stuthman from Platte Center.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Wednesday, January 24, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 24, 1990

LEGISLATIVE JOURNAL

FOURTEENTH DAY - JANUARY 24, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 24, 1990

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Fred Lessten, Immanuel Bible Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Lindsay who was excused; and Messrs. Abboud, Ashford, Chizek, Conway, Hall, R. Johnson, Landis, Lynch, Schmit, Warner, Ms. Schimek, and Mrs. Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 165, line 8, strike "vote" and insert "voting" and strike "or unanimous consent" and insert "or without unanimous consent".

The Journal for the Second Day was approved as corrected.

The Journal for the Thirteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 240A. Placed on Select File.
LEGISLATIVE BILL 662A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 821, 822, 823, 824, 825, 826, 827, 828, and 829.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 828

The following changes, required to be reported for publication in the Journal, have been made:
ER6235
1. On page 23, line 24, "subsection" has been struck, shown as stricken, and "subdivision" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

ANNOUNCEMENT

Mr. Morrissey designates LB 1151 as his priority bill.

REPORTS

The following reports were received by the Legislature:

Report from the Nebraska Department of Education on the revision of Nebraska school approval and accreditation regulations in accordance with 79-1247.02 R.R.S. Nebraska.

Thirty-eighth Actuarial Valuation Report, Nebraska School Retirement System, for the year ended June 30, 1989.

Thirty-fourth Actuarial Valuation Report, Nebraska State Patrolmen's Retirement System, for the year ended June 30, 1989.

Twenty-fifth Actuarial Valuation Report, Nebraska Judges' Retirement System, for the year ended June 30, 1989.

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 459: James L. Eatmon - Oil and Gas Commission.

Voting in the affirmative, 26:

Baack
Barrett
Beck
Beyer
Byars
Coordsen
Crosby
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
McFarland
Morrissey
Pirsch
Robak
Schellpeper
Scofield
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 11:

Bernard-Stevens
Chambers
Dierks
Goodrich
Hartnett
Labedz
Moore
Nelson
Peterson
Rogers
Withem

Excused and not voting, 12:

Abboud
Ashford
Chizek
Conway
Hall
Johnson, R.
Landis
Lindsay
Lynch
Schimek
Schmit
Smith

The appointment was confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 769. Mr. Wesely moved to bracket until March 20, 1990.

Mr. Wesely withdrew his motion to bracket.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens renewed his pending amendment, AM2127, found in the Journal on page 446, and considered on page 451.

Mr. Chambers requested a division of the question on the Bernard-Stevens amendment.

The Chair ruled the division of the question out of order.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. R. Johnson and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

PRESIDENT NICHOL PRESIDING

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Chambers motion to overrule the Chair.

Voting in the affirmative, 15:

Ashford
Baack
Haberman
Hannibal
Landis
Moore
Morrissey
Nelson
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 25:

Beck
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Langford
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith

Present and not voting, 2:

Bernard-Stevens
Chambers

Excused and not voting, 7:

Abboud
Barrett
Coordsen
Johnson, R.
Korshoj

Lindsay Lynch

The Chambers motion to overrule the Chair lost with 15 ayes, 25 nays, 2 present and not voting, and 7 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

MOTION - Withdraw LB 1192

Mr. Schmit moved to withdraw LB 1192.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 883	Wednesday, January 31, 1990	1:30 p.m.
LB 1038	Wednesday, January 31, 1990	1:30 p.m.
LB 1137	Wednesday, January 31, 1990	1:30 p.m.
LB 1042	Wednesday, January 31, 1990	1:30 p.m.
LB 1174	Wednesday, January 31, 1990	1:30 p.m.
LB 1166	Wednesday, January 31, 1990	1:30 p.m.
LB 1113	Thursday, February 1, 1990	1:30 p.m.
LB 926	Thursday, February 1, 1990	1:30 p.m.
LB 1209	Thursday, February 1, 1990	1:30 p.m.
LB 951	Friday, February 2, 1990	1:30 p.m.
LB 1040	Friday, February 2, 1990	1:30 p.m.
LB 1116	Friday, February 2, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

Revenue

LB 1189	Wednesday, January 31, 1990	1:30 p.m.
LB 831	Wednesday, January 31, 1990	1:30 p.m.
LB 876	Wednesday, January 31, 1990	1:30 p.m.
LB 877	Wednesday, January 31, 1990	1:30 p.m.

LB 939	Wednesday, January 31, 1990	1:30 p.m.
LB 1219	Wednesday, January 31, 1990	1:30 p.m.
LB 1183	Friday, February 2, 1990	1:30 p.m.
LB 1214	Friday, February 2, 1990	1:30 p.m.
LB 1142	Friday, February 2, 1990	1:30 p.m.
LB 1154	Friday, February 2, 1990	1:30 p.m.
LB 1140	Friday, February 2, 1990	1:30 p.m.
LB 844	Wednesday, February 7, 1990	1:30 p.m.
LB 961	Wednesday, February 7, 1990	1:30 p.m.
LB 1036	Wednesday, February 7, 1990	1:30 p.m.
LB 1202	Wednesday, February 7, 1990	1:30 p.m.
LB 919	Wednesday, February 7, 1990	1:30 p.m.
LB 1082	Wednesday, February 14, 1990	1:30 p.m.
LB 1124	Wednesday, February 14, 1990	1:30 p.m.
LR 242CA	Wednesday, February 14, 1990	1:30 p.m.
LR 243CA	Wednesday, February 14, 1990	1:30 p.m.
LR 236CA	Wednesday, February 14, 1990	1:30 p.m.
LB 1079	Thursday, February 15, 1990	1:30 p.m.
LB 1234	Thursday, February 15, 1990	1:30 p.m.
LB 1235	Thursday, February 15, 1990	1:30 p.m.
LB 1115	Thursday, February 15, 1990	1:30 p.m.
LB 1122	Wednesday, February 21, 1990	1:30 p.m.
LB 1175	Wednesday, February 21, 1990	1:30 p.m.
LB 1176	Wednesday, February 21, 1990	1:30 p.m.
LB 1208	Wednesday, February 21, 1990	1:30 p.m.
LB 1218	Wednesday, February 21, 1990	1:30 p.m.
LB 866	Thursday, February 22, 1990	1:30 p.m.
LB 929	Thursday, February 22, 1990	1:30 p.m.
LB 1130	Thursday, February 22, 1990	1:30 p.m.
LB 1131	Thursday, February 22, 1990	1:30 p.m.
LB 1169	Thursday, February 22, 1990	1:30 p.m.

(Signed) Tim Hall, Chairperson

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 974. Placed on General File.

LEGISLATIVE BILL 975. Placed on General File as amended.
Standing Committee amendment to LB 975:
AM2223

1. On page 3, strike lines 22 through 25 and insert "independently established business entity which engages in the business of providing leased employees to any other employer, individual, organization, partnership, corporation, or other legal entity referred to in section 48-648 as a client lessee".

2. On page 4, strike beginning with "temporary" in line 1 through "company" in line 4.

3. On page 10, line 23, after "company" insert "which places employees of a client lessee on its payroll and leases such employees to the client lessee on an ongoing basis for a fee".

4. On page 11, line 1, strike "clients of the employee leasing company" and insert "client lessees"; in lines 6, 9, 11, 14, and 17 after "client" insert "lessee"; in line 16, strike "clients" and insert "client lessees"; and strike beginning with "Client" in line 20 through "company" in line 22 and insert "The provisions of this section do not apply to an employment agency which only provides employees on a temporary basis if the employment agency is liable for the payment of contributions on wages paid to such employees".

(Signed) George Coordsen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Byars asked unanimous consent to print the following amendment to LB 551 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2128.)

RESOLUTION

LEGISLATIVE RESOLUTION 247. Introduced by Haberman, 44th District; Smith, 33rd District.

WHEREAS, former Senator Clarence E. Jacobson of Hastings represented the thirty-third legislative district from November 29, 1982, until January 9 1985; and

WHEREAS, Senator Jacobson had a long and distinguished record of service to his community, his legislative district, and the State of Nebraska; and

WHEREAS, Senator Jacobson died January 17, 1990, at the age of seventy-seven; and

WHEREAS, Senator Jacobson is survived by his loving family, including his wife, Dorothy, son James, daughter Jonnell, and grandson Jamie.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its condolences to the family of Senator Clarence E. Jacobson.
2. That a copy of this resolution be sent to Dorothy Jacobson.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 953A. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 953, Ninety-first Legislature, Second Session, 1990.

GENERAL FILE

LEGISLATIVE BILL 769. Mr. Chambers moved to reconsider the vote to overrule the Chair.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 10:

Baack
Bernard-Stevens
Chambers
Haberman
Landis
Lynch
Morrissey
Schimek
Weihing
Wesely

Voting in the negative, 32:

Abboud
Ashford
Beck
Beyer
Chizek
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Withem

Present and not voting, 1:

Scofield

Excused and not voting, 6:

Barrett
Byars
Conway
Coordsen
Johnson, R.
Lindsay

The Chambers motion to reconsider lost with 10 ayes, 32 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek moved to bracket LB 769 until March 20, 1990.

Mr. Chambers offered the following amendment to the pending Schimek motion to bracket:
FA338

strike original date and insert "April 2, 1990"

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens raised a point of order regarding whether there had been a full and fair debate on the Chambers amendment.

The Chair overruled the point of order stating there had been a full and fair debate on the Chambers amendment.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

MR. LAMB PRESIDING

Mrs. Smith asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 938. Placed on General File.

(Signed) David Landis, Chairperson

Agriculture

LEGISLATIVE BILL 855. Placed on General File.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 1213	Friday, February 2, 1990	1:30 p.m.
LB 1231	Friday, February 2, 1990	1:30 p.m.

(Signed) Loran Schmit, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 90004

DATE: January 23, 1990

SUBJECT: State Ownership of Low-Level Radioactive Waste

REQUESTED BY: Senator Douglas A. Kristensen
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have inquired regarding the constitutionality of a proposed legislative bill which would mandate that radioactive material accepted for disposal at a low-level radioactive waste disposal facility shall not become the property of the State. We find no constitutional infirmity with such a provision. However, you should be aware that current regulations of the Nuclear Regulatory Commission do provide for state ownership at the time of facility closure.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-01-14.2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2221.)

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 1124. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 1161. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Jack Walstrom from Salina, Kansas; 17 students from Clinton Elementary School from Lincoln; former Senator and Mrs. Robinson from Kearney; and Russell and Hilda Young from Guide Rock, and son, Vernon from Hastings.

ADJOURNMENT

At 12:00 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Thursday, January 25, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 25, 1990

LEGISLATIVE JOURNAL

FIFTEENTH DAY - JANUARY 25, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 25, 1990

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Stan Schrag, Grace Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Barrett, Chizek, Conway, Dierks, Haberman, Hall, Hannibal, R. Johnson, McFarland, Morrissey, Warner, and Mrs. Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1016. Placed on General File.
LEGISLATIVE BILL 1017. Placed on General File.

LEGISLATIVE BILL 956. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2227.)

LEGISLATIVE BILL 985. Indefinitely postponed.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 1241	Tuesday, February 6, 1990 (cancel)	1:30 p.m.
LB 1241	Monday, February 12, 1990 (reset)	1:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 836 in the Journal. No objections. So ordered.

AM2231

1. On page 2, strike beginning with "include" in line 6 through "resources" in line 9 and insert "mean an increase in net operating income of one percent or more as a result of a change in state, federal, or local tax law".

REPORT

Received quarterly report from Department of Roads for the Nebraska State Highway Commission as of December 31, 1989.

RESOLUTIONS

LEGISLATIVE RESOLUTION 246. Read. Considered.

Mr. Chambers requested a record vote on the adoption of LR 246.

Voting in the affirmative, 26:

Beck
Bernard-Stevens
Byars
Chizek
Crosby
Dierks
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Lindsay
Lynch
McFarland
Peterson
Pirsch
Rogers
Schimek
Schmit
Smith
Wehrbein
Weihing

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Baack
Beyer
Coordsen
Labedz
Langford
Moore
Nelson
Robak
Schellpeper
Scofield
Wesely
Withem

Excused and not voting, 10:

Abboud
Ashford
Barrett
Conway
Haberman
Hall
Hannibal
Johnson, R.
Morrissey
Warner

LR 246 was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE RESOLUTION 247. Read. Considered.

LR 247 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Withdraw LB 1192

Mr. Schmit renewed his pending motion, found in the Journal on page 486, to withdraw LB 1192.

The Schmit motion prevailed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1213	Friday, February 2, 1990 (cancel)	1:30 p.m.
LB 1231	Friday, February 2, 1990 (cancel)	1:30 p.m.
LB 1213	Wednesday, February 7, 1990 (reset)	1:30 p.m.
LB 1231	Wednesday, February 7, 1990 (reset)	1:30 p.m.
LB 1060	Friday, February 2, 1990	1:30 p.m.
LB 1179	Friday, February 2, 1990	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LB 1192	Monday, February 12, 1990 (cancel)	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 769. The Bernard-Stevens pending motion, found in the Journal on page 491 to overrule the Chair, was renewed.

Messrs. Chizek, Moore, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on the Schmit motion to cease debate.

Voting in the affirmative, 30:

Beck	Dierks	Johnson, L.	Lindsay	Schellpeper
Beyer	Elmer	Korshoj	McFarland	Schmit
Byars	Goodrich	Kristensen	Peterson	Smith
Conway	Hannibal	Labedz	Pirsch	Warner
Coordsen	Hartnett	Lamb	Robak	Wehrbein
Crosby	Hefner	Langford	Rogers	Wesely

Voting in the negative, 4:

Baack	Chambers	Landis	Schimek

Present and not voting, 7:

Ashford	Bernard-Stevens	Haberman	Nelson	Weihing
		Lynch	Scofield	

Excused and not voting, 8:

Abboud
Barrett
Chizek
Hall
Johnson, R.
Moore
Morrissey
Withem

The Schmit motion to cease debate prevailed with 30 ayes, 4 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Bernard-Stevens requested a roll call vote on his pending motion to overrule the Chair.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 27:

Ashford
Beck
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hefner
Johnson, L.
Korshoj
Labedz
Lamb
Landis
Langford
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Wesely

Present and not voting, 13:

Baack
Bernard-Stevens
Conway
Haberman
Hannibal
Hartnett
Johnson, R.
Lindsay
Lynch
Nelson
Schimek
Scofield
Weihing

Excused and not voting, 8:

Abboud
Barrett
Chizek
Hall
Kristensen
Moore
Morrissey
Withem

The Bernard-Stevens motion to overrule the Chair lost with 1 aye, 27 nays, 13 present and not voting, and 8 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

The Langford pending motion, found in the Journal on page 491 to cease debate, was renewed.

Mr. Bernard-Stevens raised a point of order on how many votes it takes to cease debate.

The Chair ruled it takes 25 votes to cease debate.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. Wesely, Haberman, and Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens withdrew his motion to overrule the Chair.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 969. Placed on General File.
LEGISLATIVE BILL 987. Placed on General File.

(Signed) Loran Schmit, Chairperson

Revenue

LEGISLATIVE BILL 896. Placed on General File.
LEGISLATIVE BILL 965. Placed on General File.

(Signed) Tim Hall, Chairperson

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 1200 Wednesday, February 7, 1990 (cancel) 1:30 p.m.

LB 1200	Thursday, February 15, 1990 (reset)	1:30 p.m.

(Signed) Dennis Baack, Chairperson

Health and Human Services

LB 1111	Wednesday, February 7, 1990	1:30 p.m.
LB 948	Wednesday, February 7, 1990	1:30 p.m.
LB 949	Wednesday, February 7, 1990	1:30 p.m.
LB 1233	Wednesday, February 7, 1990	1:30 p.m.
LB 925	Wednesday, February 14, 1990	1:30 p.m.
LB 1065	Wednesday, February 14, 1990	1:30 p.m.
LB 1167	Wednesday, February 14, 1990	1:30 p.m.
LB 1162	Thursday, February 15, 1990	1:30 p.m.
LB 1222	Thursday, February 15, 1990	1:30 p.m.
LB 1187	Thursday, February 15, 1990	1:30 p.m.
LB 1188	Thursday, February 15, 1990	1:30 p.m.
LB 873	Friday, February 16, 1990	1:30 p.m.
LB 1089	Friday, February 16, 1990	1:30 p.m.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

AM2257

(Amendments to AM2221)

1. On page 13, line 16, after "vehicles" insert "enroute to pick up, delivering,".

Ms. Scofield asked unanimous consent to print the following amendment to LB 610 in the Journal. No objections. So ordered.

AM2230

1. Insert the following new sections:

"Section 1. That section 28-377, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-377. Except as otherwise provided in sections 28-376 to 28-380, no person, official, or agency shall have access to the records relating to abuse unless in furtherance of purposes directly connected with the administration of the Adult Protective Services Act and section 28-726. Persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse;

(2) A county attorney in preparation of an abuse petition;

(3) A physician who has before him or her a person whom he or she reasonably suspects may be abused;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused vulnerable adult; ~~or to investigate allegations of abuse;~~

(5) Defense counsel in preparation of the defense of a person charged with abuse; ~~and~~

(6) Any person engaged in bona fide research or auditing, except that no information identifying the subjects of the report shall be made available to the researcher or auditor. The researcher shall be charged for any costs of such research incurred by the department at a rate established by rules and regulations adopted and promulgated by the department; and

(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as amended, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness.

Sec. 2. That section 28-726, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-726. Except as provided in this section and section 28-722, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of sections 28-710 to 28-727. Such persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(2) A county attorney in preparation of an abuse, neglect, or termination petition;

(3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or a parent, guardian, or other person responsible for the abused or neglected child's welfare who is the subject of a report; ~~and~~

(5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor; and

(6) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as amended, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness.".

2. On page 21, line 18, after "sections" insert "28-377, 28-726,".

3. Renumber the remaining sections accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2211

1. On page 7, line 1, after "commission" insert "and the Commissioner of Education, the Director of Health, and the Director of Public Institutions or their designees".

2. On page 10, line 24, strike "retained by the department" and insert "remitted to the State Treasurer for credit to the General Fund".

3. On page 13, line 10, strike "(1)" and strike "center" and insert "commission".

4. On page 14, line 6, strike "(a)" and insert "(1)"; in line 7 strike "(b)" and insert "(2)"; in line 9 strike "(c)" and insert "(3)"; strike lines 11 through 17; and in line 20 after "establish" insert "up to".

5. On page 18, lines 8 and 11, strike "center" and insert "commission"; and in lines 8 and 9 strike ", as specified in section 28 of this act,".

6. On page 19, line 7, strike the second "and"; and in line 9 after "system" insert "; and (8) at least one person with knowledge of and experience in working with the Indian Child Welfare Act and rules, regulations, and statutes relating to tribal governments".

7. Strike original sections 20, 25, and 28 and all amendments thereto and insert the following new sections:

"Sec. 20. (1) The commission shall:

(a) Review existing statutes and administrative rules, regulations, policies, and practices relating to children and families of state agencies or departments providing services to children and families and make recommendations which would encourage greater interagency coordination, more effective utilization of existing resources, and less duplication of effort;

(b) Identify issues and make recommendations concerning the development of a coordinated, integrated, and comprehensive service delivery system statewide that is responsive to the current needs of children and families and is delivered by a partnership of public, private, and nonprofit state and community-based agencies;

(c) Identify issues and make recommendations concerning the coordination, continuity, and integration of existing programs for children and their families offered by state departments or agencies providing services to children and families which the state department or agency is unable to resolve;

(d) Identify issues and make recommendations concerning the elimination of duplicate efforts, programs, and services;

(e) Monitor and evaluate the programs and services funded under the Family Services Incentive Act for Communities to determine if the services demonstrate success, effectiveness, and cost efficiency in accomplishing the objectives of the act;

(f) Make recommendations to the department for the awarding of incentive grants pursuant to the act from funds provided in the state budget for such purpose;

(g) Oversee and monitor statewide progress in implementing the family policy objectives prescribed in sections 43-532 to 43-534;

(h) Make recommendations to the center regarding training needs relevant to carrying out the family policy objectives; and

(i) Report annually to the Governor and the Legislature about its activities, including, but not limited to:

(i) A general description of the activities of the commission;

(ii) A general description of the plans and goals of the commission for the upcoming year;

(iii) Recommendations for statutory and appropriation initiatives to implement the family policy objectives prescribed in sections 43-532 to 43-534 and the objectives prescribed in section 3 of this act; and

(iv) Recommendations for administrative changes in policies or procedures which serve to inhibit effective service delivery at the regional or local level.

(2) The commission may:

(a) Make recommendations to the Governor for the resolution of issues and jurisdictional disputes that may arise between any state department or agency providing services to children and families;

(b) Contract with organizations outside the auspices of state departments or agencies to fulfill the requirements of subdivision (1)(e) of this section;

(c) Address and make recommendations for the resolution of barriers that serve to inhibit the ability of local agencies to serve the needs of children and families effectively;

(d) Evaluate on a continuing basis the allocation of resources for children and family services to ensure the availability of quality services delivered in a coordinated and efficient manner that is consistent with the needs of children and families;

(e) Promote access to services by all children and their families who are in need of services;

(f) Advocate for continued support of children and family services; and

(g) Monitor all advisory groups created to provide recommendations relating to children and family services for the purpose of coordinating recommendations and incorporating recommendations into the overall plan for children and family services.

Sec. 25. The director of the Office of Child and Family Policy shall serve as the chief staff person and shall be responsible to the commission.

Sec. 28. (1) The center shall be responsible for (a) assessing on an ongoing basis the impact that services or programs funded under the Family Services Incentive Act for Communities have had on accomplishing the objectives as specified in section 3 of this act and the family policy objectives prescribed in sections 43-532 to 43-534 and (b) assessing the efficacy of alternative approaches to addressing the needs of children and families. The center, in consultation with the commission, shall work with grant recipients in developing procedures for an ongoing assessment and in establishing reasonable outcome goals for services or programs.

(2) The center shall provide to the commission, the state agencies or departments listed in section 26 of this act, and the Legislature an annual report on or before August 1 which shall include, but not be limited to: (a) An assessment of the state's current training needs with respect to service delivery to children and families and how those needs are being met: (b) an assessment of the overall effectiveness of the act in achieving the goals as specified in section 3 of this act: and (3) an assessment of the efficacy of services or programs funded under the act and any recommendations for improvements or modifications of such services or programs.".

8. On page 24, line 23, after "program" insert "for the purpose of implementing the Family Services Incentive Act for Communities"; and strike beginning with "It" in line 24 through line 25 and insert "The center shall collaborate with".

9. On page 25, line 1, after “community-based” insert “providers or”.

Ms. Scofield asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

AM2220

1. On page 4, line 12, after “units” insert “or to pull boats or cabin trailers”.

Mr. Goodrich asked unanimous consent to print the following amendment to LB 503A in the Journal. No objections. So ordered.

AM0982

1. Strike original section 1 and insert the following new section:

“Section 1. There is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for FY1990-91, the sums specified in this section, or so much as may be necessary, for the salaries and benefits of officers of the Nebraska state government, to aid in carrying out the provisions of Legislative Bill 503, Ninety-first Legislature, First Session, 1989.

APPROPRIATIONS FROM GENERAL FUND

EXECUTIVE

	FY1990-91
Governor	3,763
Lieutenant Governor	4,031
Secretary of State	6,871
Auditor of Public Accounts	8,349
Attorney General	3,763
State Treasurer	8,349

PUBLIC SERVICE COMMISSION

Five Public Service Commissioners	20,153

For purposes of this section, FY1990-91 shall mean the period beginning July 1, 1990, and ending June 30, 1991.”.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 246.

GENERAL FILE

LEGISLATIVE BILL 769. The Langford pending motion, found in the Journal on page 491 and considered in this day's Journal to cease debate, was renewed.

Mrs. Langford moved for a call of the house. The motion prevailed with 9 ayes, 2 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on the Langford pending motion to cease debate.

Voting in the affirmative, 31:

Abboud
Ashford
Beck
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein

Voting in the negative, 2:

Bernard-Stevens
Chambers

Present and not voting, 7:

Baack
Lynch
Morrissey
Nelson
Schimek
Scofield
Weihing

Excused and not voting, 9:

Barrett
Chizek
Haberman
Hall
Kristensen
Moore
Warner
Wesely
Withem

The Langford pending motion to cease debate prevailed with 31 ayes, 2 nays, 7 present and not voting, and 9 excused and not voting.

The Chambers pending amendment, FA338, found in the Journal on page 490, was renewed.

The Chambers pending amendment lost with 8 ayes, 27 nays, 6 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment to the pending Schimek motion to bracket:
FA339
strike original date and insert: "April 9, 1990"

Mr. Lamb requested a ruling of the Chair on whether a second amendment to the Schimek motion to postpone to a time certain is in order pursuant to Rule 7, Section 6.

The Chair ruled that a second amendment is not precluded by Rule 7, Section 6.

The Chair declared the call raised.

Messrs. Schmit, Lynch, McFarland, Mmes. Robak, and Langford asked unanimous consent to be excused. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 1147	Thursday, February 1, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 994A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 143 in the Journal. No objections. So ordered.

AM2255

1. Insert the following new sections:

"Section 1. It is the intent of the Legislature, in an effort to promote quality postsecondary education and to avoid disproportionate taxation on the taxable property of each technical community college area, to use the Technical Community College Equalization Fund created in section 2 of this act to provide quality programming at each technical community college and to reduce the local property tax levy on property within each technical community college area. The Legislature recognizes that education as an investment in human resources is fundamental to the quality of life and economic development of Nebraskans. The Legislature further recognizes that technical community college education faces ever growing challenges in an era of accelerated change, sophisticated information systems, high technology, and global markets. It is the intent of the Legislature to join with local governing bodies in a strong and ongoing partnership to further advance the quality, responsiveness, access, and equity of Nebraska's technical community colleges and to foster high standards of performance and service so that every citizen, business, and industry has the opportunity to receive quality educational programs and services regardless of the size, wealth, or geographic location of the technical community college area in which a citizen, business, or industry is located.

Sec. 2. There is hereby created the Technical Community College Equalization Fund. Forty percent of all new funds appropriated by the Legislature for state aid to technical community colleges for distribution pursuant to section 79-2651 in excess of the appropriation for such purpose in FY1990-91 shall be deposited in the fund for FY1991-92 and each fiscal year thereafter to a maximum of one million dollars. The fund shall be used to aid technical community colleges as prescribed in sections 1 to 4 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. (1) For FY1991-92 and each fiscal year thereafter, each technical community college area shall submit to the Department of Administrative Services on or before August 20 the following:

(a) A three-year average of the reimbursable educational unit total based on the audited reimbursable educational unit totals reported by the area for the purposes of state aid for the immediately preceding three years;

(b) A three-year average of unrestricted program classification system costs for educational and general expenditures per reimbursable educational unit based on the audited reimbursable educational unit totals reported by the area for the purposes of state aid and audited financial statements for the immediately preceding three years. The three-year average shall be calculated using the budgeted costs identified in the final budget of the area board for the immediately preceding fiscal year and audited costs identified in the area financial audits for the second and third preceding fiscal years; and

(c) A three-year average property tax levy for operations based on the certified tax levies for the immediately preceding three years.

(2) For FY1991-92 and each fiscal year thereafter, the department shall use the appropriate area reimbursable educational unit audits, financial audits, and certified tax levies to verify the data received pursuant to subsection (1) of this section and, based on such data, shall calculate:

(a) The three-year average reimbursable educational unit total of the technical community college system;

(b) The three-year average program classification cost per reimbursable educational unit of the technical community college system;

(c) The three-year average property tax levy for operations of the technical community college system; and

(d) The standard deviation, calculated for a population, of each technical community college area's three-year average property tax levy for operations from the system's three-year average tax levy for operations calculated in subdivision (c) of this subsection.

Sec. 4. (1) To be eligible for aid from the

Technical Community College Equalization Fund, a technical community college area's three-year average property tax levy for operations reported pursuant to subdivision (1)(c) of section 3 of this act shall exceed the three-year average property tax levy for operations of the technical community college system calculated pursuant to subdivision (2)(c) of section 3 of this act.

(2) For each technical community college area eligible for aid, the Department of Administrative Services shall determine the number of standard deviations by which the eligible area's three-year average property tax levy exceeds the technical community college system's tax levy.

(3) Based on the number of standard deviations determined in subsection (2) of this section, each eligible technical community college area shall receive as equalization aid a percentage of average costs determined by multiplying the average program classification cost per reimbursable educational unit of the technical community college system calculated pursuant to subdivision (2)(b) of section 3 of this act by the eligible technical community college area's average reimbursable educational unit totals reported pursuant to subdivision (1)(a) of section 3 of this act and subtracting the product from the amount of state aid such eligible area received for the immediately preceding fiscal year. If an eligible technical community college area's state aid exceeds the amount calculated pursuant to this section, such area shall not receive equalization aid and shall not have its state aid reduced.

(4) The percentage of average costs prescribed in subsection (3) of this section for each technical community college area shall be determined by the following table.

Standard Deviation	Percentage of Average Costs
0.00 to 0.49	45
0.50 to 0.99	55
1.00 to 1.49	65
1.50 to 1.99	75
2.00 or greater	85

(5) If the amount required for equalization aid for all eligible technical community college areas

is less than the amount in the Technical Community College Equalization Fund, the excess amount shall be treated as state aid and distributed pursuant to section 79-2651. If there are insufficient funds in the fund to fund the full amount of equalization aid calculated pursuant to this section for all technical community college areas, the available funds shall be prorated based on the proportion each eligible area's equalization is to the total equalization.

Sec. 6. The Revisor of Statutes shall assign sections 1 to 4 of this act within sections 79-2636 to 79-2653, and any reference to sections 79-2636 to 79-2653 shall include sections 1 to 4 of this act.".

2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LB 1140. No objections. So ordered.

Mr. Haberman asked unanimous consent to add the names of all the members to LR 247. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 1143	Monday, February 5, 1990	1:30 p.m.
LB 899	Monday, February 5, 1990	1:30 p.m.
LB 898	Monday, February 5, 1990	1:30 p.m.
LB 1220	Monday, February 5, 1990	1:30 p.m.
LB 920	Monday, February 5, 1990	1:30 p.m.
LB 1198	Tuesday, February 6, 1990	1:30 p.m.
LB 1223	Tuesday, February 6, 1990	1:30 p.m.
LB 1170	Tuesday, February 6, 1990	1:30 p.m.
LB 1182	Tuesday, February 6, 1990	1:30 p.m.
LB 1126	Tuesday, February 6, 1990	1:30 p.m.
LB 1125	Wednesday, February 7, 1990	1:30 p.m.
LB 1211	Wednesday, February 7, 1990	1:30 p.m.
LB 1210	Wednesday, February 7, 1990	1:30 p.m.
LB 955	Wednesday, February 7, 1990	1:30 p.m.
LB 1092	Wednesday, February 7, 1990	1:30 p.m.

LB 995	Wednesday, February 7, 1990	1:30 p.m.
LB 1031	Wednesday, February 7, 1990	1:30 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 890. Placed on General File.

LEGISLATIVE BILL 924. Placed on General File.

LEGISLATIVE BILL 962. Placed on General File.

LEGISLATIVE BILL 1118. Placed on General File.

(Signed) Dennis Baack, Chairperson

Urban Affairs

LEGISLATIVE BILL 908. Placed on General File.

LEGISLATIVE BILL 1043. Placed on General File.

LEGISLATIVE BILL 1044. Placed on General File.

LEGISLATIVE BILL 1076. Placed on General File.

LEGISLATIVE BILL 1098. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

Natural Resources

LEGISLATIVE BILL 1041. Placed on General File as amended.
Standing Committee amendment to LB 1041:
AM2267

1. Insert the following new section:

"Sec. 2. This act shall become operative on January 1, 1991.".

2. Renumber remaining section accordingly.

(Signed) Loran Schmit, Chairperson

VISITORS

Visitors to the Chamber were Tabitha Holston, Stacey Eckley, Nicole Grosse. Sarah Fredstrom, and sponsor, Linda Dutton, from Omaha Public Schools.

ADJOURNMENT

At 12:05 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Friday, January 26, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 26, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 26, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Doug Olsen, Sheridan Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Coordsen, Hall, Hartnett, R. Johnson, Lindsay, Moore, Rogers, Withem, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 843. Placed on General File as amended.
Standing Committee amendment to LB 843:
AM2225

1. On page 7, line 9, after "district" insert "or districts"; and in line 12 after the second "district" insert "or districts".

2. On page 8, lines 13 and 23, after "upon" insert "resident".

3. On page 9, line 19, strike "by", show as stricken, and insert "between September 1 and".

4. On page 16, line 13, strike "attended", show as stricken, and insert "was enrolled in".

LEGISLATIVE BILL 845. Placed on General File as amended.
Standing Committee amendment to LB 845:
AM2253

1. On page 3, line 5, strike "the amount" and insert "all new funds"; in line 7 after "79-2651" insert "in excess of the appropriation for such purpose in FY1990-91"; in line 18 after "Services" insert "on or before August 20"; in line 24 after "of" insert "unrestricted"; and in line 25 after "costs" insert "for educational and general expenditures".

2. On page 4, line 3, after "aid" insert "and audited financial statements" and after "years" insert ". The three-year average shall be calculated using the budgeted costs identified in the final budget of the area board for the immediately preceding fiscal year and audited costs identified in the area financial audits for the second and third preceding fiscal years"; in line 8 after "shall" insert "use the appropriate area reimbursable educational unit audits, financial audits, and certified tax levies to"; in lines 11, 13, and 16 after "The" insert "three-year"; in line 20 after "area's" insert "three-year average"; and in line 21 after both occurrences of "levy" insert "for operations" and after "system's" insert "three-year".

3. On page 5, line 3, after the first "the" insert "three-year"; in line 9 after "area's" insert "three-year"; in line 16 after "average" insert "program classification cost per"; in line 17 strike "total"; and in line 18 strike "(2)(a)" and insert "(2)(b)".

4. On page 6, line 2, after the first "shall" insert "not" and strike "but" and insert "and"; in line 8 before "Deviation" insert "Standard"; in line 10 strike "40" and insert "45"; in line 11 strike "50" and insert "55"; in line 12 strike "60" and insert "65"; in line 13 strike "70" and insert "75"; and in line 14 strike "80" and insert "85".

(Signed) Ron Withem, Chairperson

MESSAGES FROM THE GOVERNOR

January 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Public Employees Retirement Board, requiring legislative confirmation.

Appointee: James D. Murphy, Box 220, Lexington, NE 68850, (308) 324-3042.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation.

Appointee: Lance Paulsen, 1715 Avenue H, Cozad, NE 69130, (308) 784-4334.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) KAY A. ORR
Governor

KAO:tr

REPORTS

The following reports were received by the Legislature:

Quarterly report from Nebraska Energy Office on the Natural Gas Revolving Loan Fund for the quarter ending December 31, 1989.

Lists of South Africa related investments from the Nebraska Investment Council as of December 31, 1989.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 247.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 23-1201, 29-119, 29-1901, 81-1807, 81-1809, 81-1816, 81-1822, 81-1837, and 81-1848, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to consultations regarding plea agreements; to redefine a term; to change provisions relating to writs of subpoena and notices to appear; to change provisions relating to compensation under the Nebraska Crime Victim's Reparations Act; to provide additional rights for victims and witnesses as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Dierks

Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 9:

Coordsen
Hall
Hartnett
Johnson, R.
Lindsay
Moore
Rogers
Schimek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 257.

A BILL FOR AN ACT relating to public structures and improvements; to amend sections 52-118 to 52-118.02, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, 1943; to change bonding requirements for certain projects; to provide requirements for the erection, repair, and improvement of state buildings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein

Weihing	Wesely

Voting in the negative, 0.

Excused and not voting, 8:

Hall	Johnson, R.	Moore	Schimek	Withem
Hartnett	Lindsay	Rogers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mrs. Labedz moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of a motion to return LB 397 to Select File for the following specific amendment:
AM2271

(Amendments to Final Reading copy)

1. On page 1, line 1, strike beginning with "athletics" through line 3 and insert "abortion; to define terms; to prohibit the performance of abortions to certain persons without notification as prescribed; to provide notification requirements; to provide exceptions to notification; to provide judicial procedure; to provide a penalty; to limit liability; and to provide severability.".

2. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of this act:

(1) Abortion shall mean an act, procedure, device, or prescription administered to a woman known by the person so administering to be pregnant and administered with the intent and result of producing the premature expulsion, removal, or termination of the human life within the womb of the pregnant woman, except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability shall not be construed as an abortion;

(2) Parent shall mean the one parent or the guardian of the pregnant woman;

(3) Physician or attending physician shall

mean the physician intending to perform the abortion; and

(4) Pregnant woman shall mean an unemancipated woman under nineteen years of age who is pregnant or a pregnant woman for whom a guardian has been appointed pursuant to sections 30-2620 or 30-2629 because of a finding of incapacity, disability, or incompetency.

Sec. 2. No abortion shall be performed upon a pregnant woman unless written notification of the pending abortion has been delivered in the manner prescribed in this section at least forty-eight hours prior to the performance of the abortion.

The notification shall be addressed to the parent at his or her residence and shall be delivered personally to the parent by the physician or his or her agent, or in lieu of personal delivery, the notification shall be made by registered or certified mail, return receipt requested, addressed to the parent at his or her residence.

Sec. 3. (1) If a pregnant woman elects not to notify her parent, a judge of a district court, separate juvenile court, or county court sitting as a juvenile court shall, upon petition or motion and after an appropriate hearing, authorize a physician to perform the abortion if the court determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion. If the court determines that the pregnant woman is not mature or if the pregnant woman does not claim to be mature, the court shall determine whether the performance of an abortion upon her without notification of her parent would be in her best interests and shall authorize a physician to perform the abortion without such notification if the court concludes that the pregnant woman's best interests would be served thereby.

(2) A pregnant woman who is subject to this section may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for her. The court shall advise the pregnant woman that she has a right to court-appointed counsel and shall, upon her request, provide her with such counsel.

(3) Proceedings in court pursuant to this section shall be anonymous and confidential and shall be

given such precedence over other pending matters so that the court may reach a decision promptly and without delay to serve the best interests of the pregnant woman. In no case shall the court fail to rule within three judicial days from the time of the filing of the petition or motion. The judge of the court conducting the proceedings pursuant to this act shall make written findings of fact and conclusions of law supporting the evidence, including his or her own findings and conclusions.

Sec. 4. An appeal to the Supreme Court shall be available to any pregnant woman for whom a court denies an order authorizing an abortion without notification. An order authorizing an abortion without notification shall not be subject to appeal. All appeals under this act shall be to the Supreme Court, and the pregnant woman shall have the right of an anonymous and expedited appeal. The Supreme Court shall give such appeal precedence over pending matters and shall adopt and promulgate rules to ensure that the proceeding under this section is handled in an anonymous and expeditious manner.

Sec. 5. No filing fees shall be required of any pregnant woman at either the trial or appellate level for any proceedings pursuant to this act.

Sec. 6. Notification shall not be required pursuant to this act if any of the following conditions exist:

(1) The attending physician certifies in writing the pregnant woman's medical record that the abortion is necessary to prevent the woman's death and there is insufficient time to provide the required notification:

(2) The abortion is authorized in writing by the person who is entitled to notification; or

(3) The pregnant woman declares that she is a victim of sexual abuse, neglect, or physical abuse as defined in section 28-318, 28-351, 28-367, or 28-710. Notice of such a declaration shall be made to the proper authorities as provided in sections 28-372 and 28-711.

Sec. 7. (1) Any physician or attending physician who knowingly and intentionally performs an abortion in violation of this act shall be guilty of a Class III misdemeanor.

(2) Performance of an abortion in violation of this act shall be grounds for a civil action by a person wrongfully denied notification.

(3) A person shall be immune from liability under this act if he or she establishes by written evidence that he or she relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant woman regarding information necessary to comply with this act are bona fide and true, or if the person has attempted with reasonable diligence to deliver notification, but has been unable to do so.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

Mrs. Labedz withdrew her motion to suspend the rules.

MOTION - Return LB 397 to Select File

Mr. Schmit moved to return LB 397 to Select File for the following specific amendment:
AM2235

(Amendments to Final Reading copy)

1. On page 3, strike beginning with "Because" in line 9 through "proceedings" in line 10 and insert "Proceedings".

Mr. Schmit withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 397.

A BILL FOR AN ACT relating to athletics; to adopt the Nebraska Collegiate Athletic Association Procedures Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Abboud
Ashford
Baack
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Dierks
Elmer
Goodrich
Hall
Hannibal
Korshoj
Kristensen
Lamb
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Scofield
Smith
Wehrbein
Wesely
Withem

Voting in the negative, 7:

Beck
Hefner
Labedz
Langford
Pirsch
Schellpeper
Schmit

Present and not voting, 10:

Barrett
Coordsen
Crosby
Haberman
Johnson, L.
Johnson, R.
Moore
Peterson
Warner
Weihing

Excused and not voting, 3:

Hartnett
Rogers
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 486.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-403, 79-2202.05, and 79-2202.08, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the transfer of territory from one school district to another; to authorize the approval of mergers by a majority vote of an educational service unit board; to change time periods relating to the conduct of hearings and the making of decisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck

Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Hartnett
Rogers
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 756.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-305, 17-108.02, and 17-209.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to combining of duties in offices and employments as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Hartnett
Rogers
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 534.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-14,105, 49-14,107, 49-14,108, 49-14,110, 49-14,112, 49-14,114, and 49-14,118, Reissue Revised Statutes of Nebraska, 1943, and section 49-1495, Revised Statutes Supplement, 1989; to change a provision relating to the filing of financial interest statements by appointed officeholders and appointed commission members as prescribed; to change provisions relating to the appointment of members of the Nebraska Accountability and Disclosure Commission; to prohibit commission members from engaging in certain activities regulated by the commission; to require the withdrawal from certain activities and the resignation from certain offices by appointed commission members; to change the number of members required for a quorum of and action by the commission; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 2:

Hartnett
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 601.

A BILL FOR AN ACT relating to political campaigns; to amend section 49-1445, Reissue Revised Statutes of Nebraska, 1943; to require formation of a campaign committee as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 2:

Hartnett
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 730.

A BILL FOR AN ACT relating to utility districts; to amend sections 14-1005 and 70-624.02, Reissue Revised Statutes of Nebraska, 1943; to change the compensation for certain district directors; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R.
Morrissey

Excused and not voting, 2:

Hartnett
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 818.

A BILL FOR AN ACT relating to public health; to eliminate a provision on transfer of records, files, and other information from the

Board of Examiners in Osteopathy to the Board of Examiners in Medicine and Surgery; and to repeal section 71-112.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chizek
Langford
Schmit
Warner

Excused and not voting, 2:

Hartnett
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 819.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1514.05, Reissue Revised Statutes of Nebraska, 1943; to repeal provisions which authorized certain actions to be made from January 1, 1987, to June 30, 1988; to harmonize provisions; and to repeal the original section, and also sections 79-1514.03 and 79-1514.04, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beyer
Warner

Excused and not voting, 2:

Hartnett
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 820.

A BILL FOR AN ACT relating to paupers and public assistance; to amend sections 68-601 to 68-604, 68-608, 68-610, 68-612, 68-617, 68-618, 68-620, 68-622, and 68-631, Reissue Revised Statutes of Nebraska, 1943; to correct references to a repealed section; to eliminate sections relating to certain vendor payments and duties of the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 68-720 and 68-722, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 2:

Hartnett
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 87, 257, 397, 486, 756, 534, 601, 730, 818, 819, and 820.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 25, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Andrew, M. Jean - Lincoln	Nebraska Vocational Association (Withdrawn 90/01/22)
Bachman, James Robert - Lincoln	Associated Students of Kearney State College (Withdrawn 89/05/25)

Crosby, Guenzel, Davis, Kessner & Kuester	
Wade, Rick G. - Lincoln	Nebraska Cooperative Council
Defore, Donald H. - Springfield, IL	Caterpillar Inc.
Grieb, George A. - Omaha	Creighton University
Harfst, David L. - Washington, D. C.	The Tobacco Institute
Lutz, Richard - Lincoln	Employers Unemployment Insurance Company
McKeon, Robert L. - Omaha	Motor Club Insurance Association (Withdrawn 89/12/31)
Moors, H. Jack - Lincoln	Village of Butte
Mueller, William J./Knudsen, Berkheimer	
Mueller, William J. - Lincoln	Tax on Advertising Committee
Nelson, Richard P. - Lincoln	Citizens Against Pornography of Lincoln (Withdrawn 90/01/01)
Palmquist, Richard F. - Omaha	Nebraska Broadcasters Association
Parkin, Jerry D. - Des Moines, IA	Deere & Company
Peppie, Lana K. - Lincoln	Nebraska Optometric Association
Peterson, Trev E. - Lincoln	Nebraska Mortgage Association (Withdrawn 90/01/18)
Ruth, Larry L. - Lincoln	Tax on Advertising Committee
Schafer, Edwin C. - Omaha	Nebraska Broadcasters Association (Withdrawn 90/01/01)

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1009A. Introduced by Moore, 24th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1009, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 852. Placed on General File.
LEGISLATIVE BILL 872. Placed on General File.
LEGISLATIVE BILL 1121. Placed on General File.

(Signed) Dennis Baack, Chairperson

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

John A. Mason - Oil and Gas Commission
Raymond J. Hajek, P.E. - Nebraska Power Review Board

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, R. Johnson, Smith, and Weihing. Not Voting: Senator Morrissey.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1025	Wednesday, February 14, 1990	1:30 p.m.
LB 1138	Wednesday, February 14, 1990	1:30 p.m.
LB 1150	Wednesday, February 14, 1990	1:30 p.m.
LB 1164	Thursday, February 15, 1990	1:30 p.m.
LB 1232	Thursday, February 15, 1990	1:30 p.m.
LB 1237	Thursday, February 15, 1990	1:30 p.m.
LB 1238	Thursday, February 15, 1990	1:30 p.m.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 520. Title read. Considered.

Mr. Schellpeper withdrew his pending amendment, AM0438, found in the Journal on page 789, First Session, 1989.

Messrs. Schellpeper and Dierks renewed their pending amendment, AM2130, found in the Journal on page 306.

The Schellpeper-Dierks amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 520A. Title read. Considered.

Mr. Schellpeper offered the following amendment:
AM2163

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. There is hereby appropriated (1) $20,563 from the General Fund for FY1990-91 and (2) $21,480 from the General Fund for FY1991-92, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 520, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $14,867 for FY1990-91 or $15,036 for FY1991-92.

Sec. 2. There is hereby appropriated (1) $120,000 from the General Fund for FY1990-91 and (2) $120,000 from the General Fund for FY1991-92, to the Department of Health, for Program 176, to aid in carrying out the provisions of Legislative Bill 520, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 567. Title read. Considered.

Mr. Withem renewed his pending amendment, AM2177, found in the Journal on page 439.

The Withem amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to replace his pending amendments, FA335, FA336, and FA337, found in the Journal on page 458, with a substitute amendment. No objections. So ordered.

Mr. Haberman withdrew his pending amendments, FA335, FA336, and FA337, found in the Journal on page 458.

Mr. Haberman offered the following substitute amendment:
FA340

Section 3., page 5, line 15, add new subsection (4).

(4) One pilot project must be located in Congressional District Number One; one pilot project must be located in Congressional District Number Two; one pilot project must be located in Congressional District Number Three; and, there shall be one pilot project at large to be located according to the decision of the State Department of Education.

The Haberman amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

PRESIDENT NICHOL PRESIDING

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 960A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

ANNOUNCEMENT

Mr. Ashford designates LB 642 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 26, 1990, at 10:50 a.m., were the following bills: 87, 257, 397, 486, 756, 534, 601, 730, 818, 819, and 820.

(Signed) Randy Tippin, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 248. Introduced by Rogers, 41st District; Lamb, 43rd District.

WHEREAS, rural hospital closings and long distances between medical help are problems affecting many areas of Nebraska; and

WHEREAS, Emergency Medical Services (EMS) teams are often the only medical help available in rural Nebraska; and

WHEREAS, Marge Hardy of Seneca, Nebraska has been instrumental in establishing and maintaining an EMS team in the Seneca, Mullen, and Thedford areas of the Nebraska Sandhills; and

WHEREAS, Mrs. Hardy is nationally registered as an EMT (Emergency Medical Technician) and is the only teacher for EMT classes in the Sandhills area; and

WHEREAS, becoming an EMT requires a minimum of 81 hours of training for certification, plus 30 hours of continuing education over the next 2 1/2 years to remain certified; and

WHEREAS, the pool of potential volunteers for EMT training is steadily declining; and

WHEREAS, the volunteer hours as an EMT and as a EMT teacher require a great personal sacrifice on the part of Mrs. Hardy and her family.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature applauds and commends Marge Hardy for her selfless dedication to establishing and maintaining emergency medical services in the Seneca, Mullen, Thedford area.
2. That the Nebraska Legislature recognizes the important medical service performed by the 7500 EMT's in Nebraska.
3. That a copy of this resolution be sent to Marge Hardy of Seneca, Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 240 in the Journal. No objections. So ordered.

AM2276

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 7. The Legislature finds that 911 emergency telephone communications systems further the public interest and protect the health, safety, and welfare of the people of Nebraska. The purpose of sections 7 to 15 of this act is to fund the development, installation, and operation of 911 emergency telephone communications systems throughout the state.

Sec. 8. For purposes of sections 7 to 15 of this act:

(1) Governing body shall mean the board of county commissioners or supervisors of a county, the city council of a city, the board of trustees of a village, or the board of directors of any rural or suburban fire protection district;

(2) Local exchange access line shall mean any telephone line that has the ability to access local dial tone and reach local public safety agencies;

(3) 911 service shall mean a telephone service which provides a service user with the ability to reach a public safety answering point by dialing the digits 911 for the purpose of reporting emergencies. The level of technology to be used for the provision of 911 service in a particular 911 service area shall be

determined by the governing bodies having jurisdiction over such area;

(4) 911 service area shall mean the portion of a governing body's jurisdiction in which 911 service is provided;

(5) Public safety agency shall mean an agency which actually provides firefighting, law enforcement, ambulance, emergency medical, or other emergency services;

(6) Public safety answering point shall mean a twenty-four-hour, local-jurisdiction communications facility which receives 911 service calls and either directly dispatches emergency services or relays calls to the appropriate public safety agency;

(7) Service supplier shall mean any person providing 911 service in this state;

(8) Service surcharge shall mean a charge set by a governing body and assessed on each local exchange access line which physically terminates within the governing body's designated 911 service area; and

(9) Service user shall mean any person who is provided local exchange access line service in this state.

Sec. 9. (1) A governing body may incur any nonrecurring or recurring charges for the installation, maintenance, and operation of 911 service and shall pay such costs out of general funds which may be supplemented by funds from the imposition of a service surcharge. A governing body incurring costs for 911 service may impose a uniform service surcharge in an amount not to exceed fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area. The initial service surcharge may be imposed at any time subsequent to the execution of an agreement for 911 service with a service supplier.

(2) If 911 service is to be provided for a territory which is included in whole or in part in the jurisdiction of two or more governing bodies, the agreement for such service shall be entered into by each such governing body unless any such governing body expressly excludes itself from the agreement. Such an agreement shall provide that each governing body which is a customer of 911 service will pay for its portion of

the service. Nothing in this subsection shall be construed to prevent two or more governing bodies from entering into a contract which establishes a separate legal entity for the purpose of entering into such an agreement as the customer of the service supplier or any supplier of equipment for 911 service.

Sec. 10. A service user shall pay service surcharges in each 911 service area where the service user has local exchange access line service and receives 911 service, except that an individual service user shall not be required to pay on a single periodic billing service surcharges on more than one hundred local exchange access lines, or their equivalent, in any single 911 service area. Every service user shall be liable for any service surcharge billed to such user until the surcharge has been paid to the service supplier.

The duty of a service supplier to bill a service surcharge to a service user shall commence at such time as may be specified by the governing body. Service surcharges imposed by a governing body shall be stated separately in the service supplier's billings to the service user. A service surcharge shall be collected as far as practicable at the same time as and along with the charges for local exchange access lines in accordance with the regular billing practice of the service supplier.

A service supplier shall have no obligation to take any legal action to enforce the collection of any service surcharge imposed pursuant to section 9 of this act. Such action may be brought by or on behalf of the governing body imposing the charge or the separate legal entity formed pursuant to such section. A service supplier shall annually provide the governing body a list of the amounts uncollected along with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be for nonpayment of any service surcharge. The service supplier shall not be liable for such uncollected amounts.

Sec. 11. (1) The amount of service surcharges collected in one calendar quarter by a service supplier, less the amount authorized to be retained by the service supplier under subsection (2) of this section, shall be remitted to the governing body no later than sixty days after the close of that calendar quarter. At the time of the remittance, the service supplier shall file a return for the remittance with the governing body in such form as the governing body and the service supplier agree upon. The service supplier shall maintain a record of the amount of service surcharges collected. The record shall be maintained for a period of one year after the date the amount was billed. A governing body may at its own expense require an annual audit of a service supplier's books and records concerning the collection and remittance of a service surcharge.

(2) From every remittance to a governing body, a service supplier shall be entitled to deduct and retain two percent of the collected amount as reimbursement for the cost of collecting the surcharge.

Sec. 12. Each calendar year, the governing body shall establish the rate of the service surcharge, not to exceed the amount authorized by section 9 of this act. that together with any surplus revenue carried forward will produce sufficient revenue to fund the expenditures described in section 7 of this act. Amounts collected in excess of such necessary expenditures within a given year shall be carried forward to the next year. A governing body shall make its determination of the rate no later than September 1 of each year and, if it is a new rate, shall fix the new rate to take effect commencing with the first billing period of each service user on or following the next January 1. The governing body shall notify by certified or registered mail every service supplier of any change in the rate at least ninety days before the new rate becomes effective.

Sec. 13. Funds collected by a governing body from the imposition of a service surcharge shall be credited to a separate fund apart from the general revenue of the governing body and shall be used solely to pay for costs for 911 service. Any money remaining in the fund at the end of any fiscal year shall remain in the fund for payments during any succeeding year, except that if 911 service is discontinued, money remaining in the fund after payment of all costs related to 911 service have been made shall be transferred to the general fund of the public safety agency or proportionately to the general fund of each participating public safety agency.

Sec. 14. Any governing body authorized to impose a service surcharge may enter into an agreement directly with a service supplier of 911 service or may contract and cooperate with any public safety agency, with other states or their political subdivisions, or with any association or corporation for the administration of 911 service as provided by law.

Sec. 15. The 911 service described in sections 7 to 15 of this act is within the governmental powers and authorities of a governing body or public safety agency. In contracting for such service and in providing such service, except for failure to use reasonable care or for intentional acts, each governing body, public safety agency, and service supplier and their employees and agents shall be immune from liability or the payment for any damages in the performance of installing, maintaining, or providing 911 service.".

2. On page 1, strike beginning with "persons" in line 1 through "impairments" in line 2 and insert "telephone services"; in line 3 strike "require a surcharge" and insert "provide for surcharges"; and in line 5 after "system" insert "for persons with hearing or speech impairments" and after the second semicolon insert "to provide for the funding of 911 emergency telephone communications systems; to authorize certain agreements; to provide immunity from liability;".

3. On page 2, lines 1 and 7; and page 5, lines 9 and 13, before "this" insert "sections 1 to 6 of".

4. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 567A. Title read. Considered.

Mr. Withem withdrew his pending amendment, AM2049, found in the Journal on page 257.

Mr. Withem renewed his pending amendment, AM2178, found in the Journal on page 439.

The Withem amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 359. Considered.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner renewed his pending motion, found in the Journal on page 1401, First Session, 1989, to indefinitely postpone LB 359.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

The Warner motion to indefinitely postpone prevailed with 18 ayes, 2 nays, 25 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 720 in the Journal. No objections. So ordered.

AM2259

1. Insert the following new section:

"Sec. 2. In each even-numbered year, the Director of Social Services shall provide a report to the Legislature and Governor outlining the caseloads, the factors considered in their establishment, and the fiscal resources necessary for their maintenance. Such report shall include a comparison of caseloads established by the director with the workload standards recommended by national child welfare organizations along with the amount of fiscal resources necessary to maintain such caseloads in Nebraska.".

2. On page 2, line 9, after the period insert "In establishing the standards for such caseloads, the director shall consider the workload factors that may differ due to geographic responsibilities, office location, and the travel required to provide a timely response in the investigation of abuse and neglect, the

protection of children, and the provision of services to children and families in a uniform and consistent statewide manner. The director shall consult with the appropriate bargaining unit employee representative in establishing such standards.”.

3. Renumber the remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 742 in the Journal. No objections. So ordered.

AM2162

(Amendments to AM7096)

1. On page 2, line 11; and page 5, line 5, after the period insert “If the applicant is required to use bioptic or telescoptic lenses to meet the vision requirements, the operator’s license of the applicant shall be restricted to operation of a motor vehicle during daylight hours as defined by the department.” and insert paragraphing before “If”.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2268

1. In the R. Johnson amendment, AM2018:

a. Strike section 4 and all amendments thereto: and

b. On page 5, line 18, after “the” insert “actual”; and strike beginning with “The” in line 21 through the period in line 23 and all amendments thereto and insert “The Legislature shall appropriate money from the fund to the Department of Revenue to cover the actual costs of the department in administering this act.”.

2. In the Standing Committee amendment, AM0886, on page 1, line 4, strike “(c)” and insert “(b)”.

3. In the E & R amendment, AM7110, on page 1, line 16, strike “6” and insert “7”.

4. Insert the following new sections:

“Sec. 4. (1) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on each tire of every new motor vehicle, trailer, or semi-trailer sold at retail in this state. Such fee shall be collected by the county treasurer at the time of registration of the motor vehicle, trailer, or semi-trailer and remitted to the department.

(2) Commencing October 1, 1990, there is hereby imposed a fee of one dollar on every tire sold at retail in this state, including every farm tractor tire, which tires are not on a motor vehicle, trailer, or semi-trailer pursuant to subsection (1) of this section. Such fee shall be collected from the purchaser by the retailer at the time of purchase and shall be remitted to the Department of Revenue.

(3) For purposes of this section, tire shall mean any tire made of rubber or other resilient material and normally used on any vehicle listed in this section. Tire shall include a pneumatic and solid tire but shall not include a recapped or regrooved tire.

Sec. 6. (1) The fees imposed by section 4 of this act shall be collected in the same manner as the sales tax under the Nebraska Revenue Act of 1967, including provisions of the act relating to due dates, interest, penalties, and collection procedures. No fees shall be charged for any permits and no collection fees shall be allowed any retailer.

(2) The fees imposed by section 5 of this act shall be collected in the same manner as the litter fee under the Nebraska Litter Reduction and Recycling Act, including provisions of the act relating to due dates, interest, penalties, and collection procedures. No fees shall be charged for any permits and no collection fees shall be allowed any retailer.

Sec. 8. Revenue from the sale by the state of recyclable and reusable products, materials, and supplies shall be remitted to the State Treasurer for credit to the Resource Recovery Fund.".

5. On page 3, strike beginning with "Revenue" in line 21 through "(b)" in line 24 and all amendments thereto.

6. On page 4, line 10, strike "or other entities".

7. On page 5, strike line 6, and insert the following new subdivision:

"(h) Incentive grants to political subdivisions to assist and encourage the closure of unlicensed landfills, the regional consolidation of licensed solid waste disposal facilities, and the use of transfer stations. Grants awarded for programs involving land disposal shall include provisions for waste reduction and recycling."; and in line 7 after "(3)" insert "No grant shall be made under section 3 of this act to a political subdivision which operates an unlicensed landfill unless the grant will be used to meet licensure standards and the landfill is licensed within two years after the award of the grant.

(4)".

8. On page 10, line 1, strike "There" and insert "Commencing July 1, 1991, there"; in line 2 after "businesses" insert "engaged in business"; in lines 3 and 6 strike "a sales volume" and insert "sales of tangible personal property"; and strike lines 11 through 14.

9. Renumber the remaining section accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2294

1. On page 7, line 8, strike "include, but not"; and in line 17 after the period, insert "Prevention, early identification, and intervention services eligible for funding shall not include performance of or counseling or referral for abortion or distribution of or counseling or referral for contraceptives.".

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 871. Placed on General File.
LEGISLATIVE BILL 1022. Placed on General File.
LEGISLATIVE BILL 1063. Placed on General File.
LEGISLATIVE BILL 1070. Placed on General File.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were Jackie Fatheree from Omaha; Senator Haberman's son-in-law, Jim, and grandson, Ben Capdevielle from Omaha; and Senator Labedz's daughter and family, Jan, Tim, T.J., Michaela, and Sean McReynolds.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m.. Monday, January 29, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 29, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 29, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Rex Rexilius, Central Missionary Alliance, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Ashford, Baack, Chambers, Conway, Hall, Hartnett, R. Johnson, Landis, Lindsay, Lynch, McFarland, Schmit, Warner, Wesely, Mmes. Crosby, Labedz, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 956 as its priority bill.

Mrs. Langford designates LB 348 as her priority bill.

UNANIMOUS CONSENT - Print in Journal

Mrs. Beck asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2266

1. On page 4, line 7, strike "The" and insert "Subject to subsection (3) of this section, the".

2. On page 5, line 7 after "(3)" insert "Through December 31, 1994, twenty-five percent of proceeds deposited in the fund pursuant to section 4 of this act shall be used only for research and development of programs and projects which promote the recycling and reduction of scrap tires, the utilization of scrap tires in waste-to-energy facilities, and the development of other alternative uses for scrap tires.

(4)".

REPORT

Received annual report from the Nebraska Ethanol Authority and Development Board in accordance with Section 66-1307.01 of the Ethanol Authority and Development Act.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Papio-Missouri River	
Paul F. Peters	
Gast & Peters, Attorneys	29,336.81
Baird, Holm, Mceachen, Pedersen, Hamann & Strasheim	110.00
Richard A. Lombardi	
American Communications Group	8,800.00

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 533: John A. Mason - Oil and Gas

Commission; Raymond J. Hajek, P.E. - Nebraska Power Review Board.

Voting in the affirmative, 25:

Abboud
Beck
Bernard-Stevens
Byars
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Moore
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Wehrbein
Weihing

Voting in the negative, 0.

Present and not voting, 7:

Barrett
Beyer
Chizek
Langford
Morrissey
Nelson
Peterson

Excused and not voting, 17:

Ashford
Baack
Chambers
Conway
Crosby
Hall
Johnson, R.
Labedz
Landis
Lindsay
Lynch
McFarland
Pirsch
Schimek
Warner
Wesely
Withem

These appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 248. Read. Considered.

LR 248 was adopted with 25 ayes, 0 nays, and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 678. E & R amendment, AM7085, found in the Journal on page 265 for the Fifth Day, was adopted.

Mrs. Smith renewed her pending amendment, AM2188, found in the Journal on page 480.

The Smith amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mrs. Smith offered the following amendment:
AM2307

1. On page 6, strike beginning with “fee” in line 14 through “state” in line 18 and insert “fixed-rate schedule for the state or a fixed-rate schedule for an area of the state applicable to each early childhood program category of provider as defined in section 71-1910 who may claim reimbursement for services provided by the Title XX program, except that the department shall not pay a rate higher than that charged by an individual provider to that provider’s private clients”.

2. On page 7, after line 23, insert

“The fund shall be administered by the Department of Social Services.”.

3. On page 8, line 17, strike “departments” and insert “department”.

The Smith amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mrs. Labedz and Mr. Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb offered the following amendment:
FA341

On Page 5, line 23, after Sec. 4, insert the following section:
That section 71-1911, Revised Statutes Supplement, 1988, be amended to read as follows:

Strike “four or more children” and insert six or more children.

Strike “two or three” and insert five or fewer.

Add Any person residing in and operating a small family day care home for five or fewer children in any county with a population of fewer than fifteen thousand inhabitants shall be exempt from the licensing requirement of this section.

That section 71-1914, Revised Statutes Supplement, 1988, be amended to read as follows:

Strike “two or three” and insert five or fewer.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lamb amendment was adopted with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:
FA342

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

The Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mrs. Smith offered the following amendment:
FA343

1. On page 6, line 21, strike "each" and insert "every other", and in line 22, strike "annually" and insert "biennially".

The Smith amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 678A. E & R amendment, AM7086, found in the Journal on page 266 for the Fifth Day, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 663. Title read. Considered.

Standing Committee amendment, AM0830, found in the Journal on page 1289 for the Fifty-First Day, First Session, 1989, lost with 0 ayes, 16 nays, 28 present and not voting, and 5 excused and not voting.

Ms. Scofield offered the following amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2210.)

Mr. Lindsay offered the following amendment to the pending Scofield amendment:
FA344

1. On page 3, line 11, strike "possible" and insert "the best interests of the juvenile require it"
2. On page 3, line 18, after "juvenile", insert "whenever the best interests of the juvenile require it"
3. On page 3, line 21, strike "possible" and insert "the best interests of the juvenile require it"

The Lindsay amendment was adopted with 24 ayes, 0 nays, 21 present and not voting, and 4 excused and not voting.

Messrs. Warner and Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Lindsay offered the following amendment to the pending Scofield amendment:
FA345

1. On page 4, line 8, strike the language beginning with "and" through "amended" on line 10.

The Lindsay amendment was adopted with 13 ayes, 0 nays, 30 present and not voting, and 6 excused and not voting.

The Scofield amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 37. E & R amendment, AM7109, found in the Journal on page 400 for the Tenth Day, was adopted.

Advanced to E & R for engrossment.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 543. E & R amendment, AM7104, found in the Journal on page 407 for the Tenth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 422. E & R amendment, AM7105, found in the Journal on page 407 for the Tenth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 409. Advanced to E & R for engrossment.

LEGISLATIVE BILL 465. E & R amendment, AM7108, found in the Journal on page 408 for the Tenth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 240A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 210. Placed on General File.
LEGISLATIVE BILL 921. Placed on General File.
LEGISLATIVE BILL 978. Placed on General File.

LEGISLATIVE BILL 111. Placed on General File as amended.
Standing Committee amendment to LB 111:
AM1985

1. Strike the original sections and insert the following new sections:

"Section 1. That section 33-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-117. (1) The ~~several~~ sheriffs shall charge and collect fees at the rates specified in this section. The rates shall be: ~~as follows:~~ (a) Serving a capias with commitment or bail bond and return, two dollars; (b) serving a search warrant, two dollars; (c) arresting under a search warrant, two dollars for each person so arrested; (d) unless otherwise specifically listed in ~~subdivisions (f) to (s) of~~ this subsection, serving a summons, subpoena, order of attachment, order of replevin, other order of the court, notice of motion, other notice, other writ or document, or any combination thereof, including any accompanying or attached documents, ten dollars for each person served, except that when more than one person is served at the same time and location in the same case, the service fee shall be ten dollars for the first person served at that time and location and two dollars and fifty cents for each other person served at that time and location; (e) serving and making return of garnishment summons, order of garnishment, and garnishment interrogatories in four or more garnishments or continuing liens on one garnishee at the same time, two dollars and fifty cents for each garnishment or continuing lien; (f) making a return of each summons, subpoena, order of attachment, order of replevin, other order of the court, notice of motion, other notice, or other writ or document, whether served or not, five dollars; ~~(f)~~ (g) taking and filing a replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; ~~(g)~~ (h) making a copy of any process, bond, or other paper not otherwise provided for in this section, twenty-five cents per page; ~~(h)~~ (i) traveling each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided for county officers and employees in section 23-1112, except that the minimum fee shall be fifty cents when the service is made within one mile of the courthouse, and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; ~~(i)~~ (j) levying a writ or a court order and return thereof, fifteen dollars; ~~(j)~~ (k) summoning a grand jury, not including mileage to be paid by the county, ten dollars; ~~(k)~~ (l) summoning a petit jury, not including mileage to be paid by the county, twelve dollars; ~~(l)~~ (m) summoning a special jury, for each person impaneled, fifty cents; ~~(m)~~ (n) calling a jury for a trial of a case or cause, fifty cents; ~~(n)~~ (o) executing a writ of restitution or a writ of assistance and return, fifteen dollars; ~~(o)~~ (p) calling an inquest to appraise lands and tenements levied on by execution, one dollar; ~~(p)~~ (q) calling an inquest to appraise goods and chattels taken by an order of attachment or replevin, one dollar; ~~(q)~~ (r) advertising a sale in a newspaper in addition to the price of printing, one dollar; ~~(r)~~ (s) advertising in writing for a sale of real or personal property, five dollars; and ~~(s)~~ (t) making deeds for land sold on execution or order of sale, five dollars.

(2)(a) Except as provided in subdivision (b) of this subsection, the commission due a sheriff on an execution or order of sale, an order of attachment decree, or a sale of real or personal property shall be: For each dollar not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; and for every dollar above one thousand dollars, two cents.

(b) In real estate foreclosure, when any party to the original action purchases the property or when no money is received or disbursed by the sheriff, the commission shall be computed pursuant to subdivision (a) of this subsection but shall not exceed two hundred dollars.

(3) The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board showing (a) the different items of fees, except mileage, collected or earned, from whom, at what time, and for what service, (b) the total amount of the fees collected or earned by the officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer who shall credit the fees to the general fund of the county.

(4) Any future adjustment made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

(5) ~~Commencing on and after January 1, 1988, all~~ All fees earned pursuant to this section, except fees for mileage, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court~~. The clerk of the county court shall pay~~ who shall remit the same to the State Treasurer for credit to the General Fund.

Sec. 2. That original section 33-117, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 885. Placed on General File as amended.
Standing Committee amendment to LB 885:
AM2269

1. On page 2, line 16, strike "district".

LEGISLATIVE BILL 1003. Placed on General File as amended.
Standing Committee amendment to LB 1003:
AM2301

1. On page 2, line 9, strike "the amount" and insert "an amount, if any,"; and in line 10 after "amount" insert ", if any,".

LEGISLATIVE BILL 1035. Placed on General File as amended.
Standing Committee amendment to LB 1035:
AM2302

1. On page 3, line 24, strike "79-12,109,".
2. On page 4, line 4, after the underscored period insert "Nothing in sections 3 to 6 of this act shall be construed to permit judicial review of the substantive merits of a school board's decision to not renew the contract of a probationary certificated employee.".
3. On page 5, line 9, after the underscored period insert "The cost of preparing the certified transcript of the proceedings shall be the responsibility of the appealing party and may be taxed by the court to the unsuccessful party."; and in line 22 after the underscored period insert "Subdivisions (3)(e) and (3)(f) of this section shall not apply to a school board's decision to not renew the contract of employment of a probationary certificated employee.".

LEGISLATIVE BILL 109. Indefinitely postponed.
LEGISLATIVE BILL 218. Indefinitely postponed.
LEGISLATIVE BILL 248. Indefinitely postponed.
LEGISLATIVE BILL 328. Indefinitely postponed.
LEGISLATIVE BILL 475. Indefinitely postponed.
LEGISLATIVE BILL 479. Indefinitely postponed.
LEGISLATIVE BILL 667. Indefinitely postponed.
LEGISLATIVE BILL 802. Indefinitely postponed.
LEGISLATIVE BILL 971. Indefinitely postponed.
LEGISLATIVE BILL 1058. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will hold all of their hearings for the week of January 29 through February 2, 1990, at 1:30 p.m., in Room 2414 (the Supreme Court Hearing Room). This will include Friday's hearing which was originally scheduled for Room 1003.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

AM2323

1. Insert the following new section:

"Sec. 2. Actions otherwise prohibited by subsections (1) and (3) of section 1 of this act shall not constitute a violation of the requirements of such section if the individual suffering from or suspected of suffering from human immunodeficiency virus infection or acquired immunodeficiency syndrome poses a direct threat to the health or safety of himself, herself, or other individuals or is unable to perform the duties of the job he or she is applying for or is employed to perform.".

Mr. Baack asked unanimous consent to print the following amendment to LB 143 in the Journal. No objections. So ordered.

AM2303

(Amendments to AM2255)

1. On page 1, strike beginning with "Technical" in line 6 through "created" in line 7 and insert "equalization aid to technical community colleges provided for".

2. On page 2, strike beginning with "There" in line 8 through the period in line 9; strike beginning with "shall" in line 13 through "thereafter" in line 15 and insert an underscored comma; strike beginning with the period in line 15 through "aid" in line 16 and insert ", shall be used as equalization aid to"; strike beginning with "Any" in line 17 through line 20; and in

line 24 strike "20" and insert "15, as part of the audit of full-time equivalent student enrollment and reimbursable educational unit totals provided for in section 79-2644.".

3. On page 3, line 9, after "audited" insert ", reported"; and in line 10 strike "reported" and insert "submitted".

4. On page 4, line 7, after "per" insert "reported"; and strike beginning with "aid" in line 17 through "Fund" in line 18 and insert "equalization aid".

5. On page 6, strike beginning with "in" in line 14 through "Fund" in line 15 and insert "available for such purpose"; and in line 17 strike "in the fund".

Mr. Dierks asked unanimous consent to print the following amendment to LB 50 in the Journal. No objections. So ordered.

AM2318

1. In the Dierks Amendment, AM2102, on page 1, line 3, after the first "the" insert "Nebraska" and after "Agriculture" insert "or the United States Department of Agriculture".

NOTICE OF COMMITTEE HEARINGS

Education

LB 1086 Monday, February 12, 1990 1:30 p.m.

(Signed) Ron Withem, Chairperson

Natural Resources

Governor Appointment Wednesday, February 7, 1990 1:30 p.m.
Norman W. Thorson, Ph.D. - Central Interstate Low-Level Radioactive Waste Commission

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 900A. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 915A. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 915, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 163. No objections. So ordered.

VISITORS

Visitor to the Chamber was Joyce Hillman from Scottsbluff/Gering.

ADJOURNMENT

At 11:55 a.m., on a motion by Ms. Schimek the Legislature adjourned until 9:00 a.m., Tuesday, January 30, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - JANUARY 30, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 30, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Chris Anderson, Glad Tidings Assembly of God, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Haberman, Hall, Hannibal, Hartnett, R. Johnson, Lamb, Lindsay, McFarland, Morrissey, Schmit, Warner, Mmes. Beck, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 520. Placed on Select File as amended.
E & R amendment to LB 520:
AM7113

1. In the Schellpeper-Dierks amendment, AM2130:

a. On page 1, line 13, strike the comma;

b. On page 2, line 22, strike "nurse to be unable" and insert "nurse's inability";

c. On page 4, lines 6 and 10, strike all occurrences of "communities" and insert "areas";

d. On page 5, line 6, strike "area. A" and insert "areas. Beginning January 1, 1991, a"; in line 8 strike "beginning January 1, 1991,"; in line 10 strike "communities" and insert "an area"; in line 14 strike "community at that" and insert "area at his or her"; in line 21 after the semicolon insert "and"; in line 23 strike "that year" and insert "the year applied for"; and in line 24 strike "; and" and insert a period; and

e. On page 6, strike lines 1 and 2 and insert:

"Upon supplying the required proof, the nurse shall"; and in line 7 strike "based upon" and insert "as indicated by".

LEGISLATIVE BILL 520A. Placed on Select File as amended.
E & R amendment to LB 520A:
AM7112

1. On page 1, line 4, strike "First Session, 1989" and insert "Second Session, 1990".

LEGISLATIVE BILL 567. Placed on Select File as amended.
E & R amendment to LB 567:
AM7114

1. On page 1, strike beginning with "to" in line 2 through the semicolon in line 3.

2. In lieu of the Haberman amendment, FA340, on page 5, line 15, after "(4)" insert "One pilot project shall be located in each of the three congressional districts and one shall be located at large according to the decision of the department.

(5)".

3. On page 2, lines 10 and 22, strike the comma; and in line 14 strike the second comma.

4. On page 4, line 6, after "Education" insert a comma.

5. On page 4, line 21; and page 5, line 3, after "programs" insert a comma.

LEGISLATIVE BILL 567A. Placed on Select File as amended.
E & R amendment to LB 567A:

AM7115

1. On page 1, line 4, strike "First Session, 1989" and insert "Second Session, 1990".

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 888. Placed on General File.
LEGISLATIVE BILL 917. Placed on General File.
LEGISLATIVE BILL 946. Placed on General File.
LEGISLATIVE BILL 954. Placed on General File.

LEGISLATIVE BILL 269. Placed on General File as amended.
Standing Committee amendment to LB 269:
AM2170

1. On page 2, line 13, after the comma insert "including places of work," and reinstate the stricken "and"; and in line 14 strike the new matter.

2. On page 3, lines 2, 8, 11, 15, 17, and 18, strike "employment" and insert "work"; strike beginning with "and" in line 2 through "employees" in line 3; in line 23 strike "at a public meeting" and show as stricken and strike the new matter and insert "including public meetings and places of work,"; and in line 24 strike the new matter.

3. On page 4, reinstate the stricken matter beginning with "With" in line 5 through "shall" in line 8; reinstate the stricken matter beginning with "establish" in line 9 through line 13; and in line 25 strike the new matter and reinstate the stricken matter.

4. On page 5, strike lines 1 and 2; in line 3 strike "the general public"; in line 5 after "upon" insert "observation or"; in lines 10 and 21 strike "employment" and insert "work"; and in line 16 after "employer" insert "with fifteen or more employees".

5. On page 6, line 25, strike "employment" and insert "work".

6. On page 7, strike lines 6 through 8; and in line 14 strike beginning with the second "and" through "implement", show as stricken, and insert "to restrict or prohibit smoking in accordance with".

7. On page 8, line 6, strike "71-5109" and

insert "71-5709"; in line 7 strike beginning with "subsection" through "of"; and strike line 8.

8. On page 9, strike beginning with "subsection" in line 4 through the first "of" in line 5.

LEGISLATIVE BILL 1046. Placed on General File as amended.
Standing Committee amendment to LB 1046:
AM2261

1. On page 1, lines 5 and 8, before "physician" insert "private".

LEGISLATIVE BILL 1085. Placed on General File as amended.
Standing Committee amendment to LB 1085:
AM2306

1. On page 4, line 17, strike "and"; and in line 18 after "recipients" insert "; and (e) care recipients".

(Signed) Don Wesely, Chairperson

Education

LEGISLATIVE BILL 1050. Placed on General File.

(Signed) Merton L. Dierks, Vice Chairperson

MESSAGES FROM THE GOVERNOR

January 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the State Electrical Board, requiring legislative confirmation.

Appointee: Jon McCafferty, 1030 Michael Street, Fremont, NE 68025, (402) 721-9430.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 26, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Investment Council and Nebraska Investment Finance Authority, requiring legislative confirmation.

Appointee: K. Kirk Jamison, FirsTier Bank Bldg, Suite 1717, Lincoln, NE 68508, (402) 483-2169.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

ATTORNEY GENERAL'S OPINION

Opinion 90005

DATE: January 26, 1990

SUBJECT: Release or assignment of lease agreement governing Strategic Air Command Museum.

REQUESTED BY: Senator D. Paul Harnett
Chairperson, Urban Affairs Committee

WRITTEN BY: Robert M. Spire, Attorney General
Fredrick F. Neid, Assistant Attorney General

This is in response to your questions concerning "releasing" the lease of the Strategic Air Command Museum property to a private foundation. Your questions are whether the Department of Economic Development has the legal authority to transfer the lease to another party and whether additional legislation would be required.

Currently, the museum property is leased to the State of Nebraska Department of Economic Development for a term of fifty years. The lessor is the United States Air Force.

Generally the control and disposition of state property is vested in officers, commissions, or boards who have the powers and duties prescribed by the constitution or by statute. The Department of Economic Development has requisite statutory authority to contract for and lease properties under its management under the provisions of Neb.Rev.Stat. § No. 81-1222.02 (Reissue 1987) which, in part, state:

> (2) The Director of Economic Development may contract for and lease any property under the control and supervision of the Department of Economic Development to any person or organization if such lease is in the best interest of the State. All funds collected from such leases shall be deposited in the appropriate department fund and used for the purposes set forth for that fund.

Since the Department of Economic Development is permitted by statute to contract for and lease property under its management, additional legislation is not required for this purpose.

It is important to note that while the Department possesses statutory authority to contract for or to lease property, it is precluded from releasing or assigning the museum property by express terms of the lease. Paragraph 3 of the Lease Agreement provides that " the Lessee shall not pledge, assign, transfer, lease, subcontract, or part with the possession of the lease property, either directly or indirectly." This lease provision effectively prohibits transfer of the museum property by the state to another party.

Accordingly, it is our conclusion that the State has requisite statutory authority for the release of the property but is precluded by the lease terms from conveying its interest in the property to another party.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

21-22-6.1

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 248.

GENERAL FILE

LEGISLATIVE BILL 956. Title read. Considered.

Standing Committee amendment, AM2227, printed separately from the Journal and referred to on page 494 for the Fifteenth Day, was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 143. Mr. Baack renewed his pending amendment, AM2255, found in the Journal on page 508.

Mr. Baack renewed his pending amendment, AM2303, found in the Journal on page 557, to his pending amendment, AM2255.

The Baack amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The pending Baack amendment, AM2255, as amended, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 39A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 39, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 855A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 855, Ninety-first Legislature, Second Session, 1990.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 860. Placed on General File.
LEGISLATIVE BILL 1077. Placed on General File.

LEGISLATIVE BILL 1075. Placed on General File as amended.
Standing Committee amendment to LB 1075:
AM2297

1. On page 3, line 18, after "inventory" insert "and may haul complete motor vehicles, semitrailers, or trailers which are inventory of the licensed dealer or manufacturer"; and strike lines 19 through 22.

(Signed) Howard Lamb, Chairperson

Agriculture

LEGISLATIVE BILL 1004. Placed on General File as amended.
Standing Committee amendment to LB 1004:
AM2296

1. Insert the following new section:

"Sec. 6. Affected herd shall mean a herd in which livestock have been determined to be infected with pseudorabies by an official test or diagnosed by a veterinarian as having pseudorabies.".

2. On page 3, line 14; page 4, line 20; page 8, lines 4 and 7; page 9, line 16; and page 10, lines 12 and 25, after "control" insert "and eradication".

3. On page 3, line 14, reinstate "program"; and in line 15 strike the new matter.

4. On page 4, line 4, strike "16 and 21 to 37" and insert "17 and 22 to 38"; in line 13 strike "16" and insert "17"; and in lines 20 and 21 strike the new matter.

5. On page 5, line 5; page 7, line 24; page 8, line 11; and page 10, line 24, strike "1986", show as stricken, and insert "1990".

6. On page 5, lines 9, 13, 20, and 24; and page 6, line 9, strike "official".

7. On page 5, line 21; and page 12, line 24, strike "animal".

8. On page 6, line 7, strike "25" and insert "26"; in line 16 strike "31" and insert "32"; and strike beginning with "state" in line 17 through "Program" in line 18 and insert "pseudorabies control and eradication program".

9. On page 7, line 1, strike "22" and insert "23".

10. On page 8, lines 6 and 9, strike "eligible" and show as stricken; and after line 16 insert:

"It shall be unlawful for any person to remove any animal which has been placed in quarantine pursuant to the act from the place of quarantine until such quarantine on the animal is released by the department.

Any person violating this section shall be guilty of a Class III misdemeanor.".

11. On page 11, strike beginning with "state" in line 1 through "act" in line 3 and insert "pseudorabies control and eradication program as provided in the Pseudorabies Control and Eradication Act"; in line 6 after "Eradication" insert "existing on January 1, 1990, as"; and in line 22 strike "state" and after "pseudorabies" insert "control and".

12. On page 12, line 15, strike "state" and after "pseudorabies" insert "control and".

13. On page 13, line 13, after "Institute" insert "existing on January 1, 1990"; in line 22 strike "state"; and in line 23 after "pseudorabies" insert "control and".

14. On page 19, line 18, strike "27" and insert "28".

15. On page 20, line 16, strike "Any", show as stricken, and insert "Except as provided in section 54-2223, any".

16. Renumber the remaining sections accordingly.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

FA347

1. On page 5, after line 3, insert "Following such purchase or merger, the acquiring bank may establish and maintain up to five detached branch banks as provided in (2) (b) of this section for each bank acquired.".

Mr. Baack asked unanimous consent to print the following amendment to LB 545A in the Journal. No objections. So ordered.

AM2048

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated $60,000 from the Vacant Building Fund for the period July 1, 1990, to June 30, 1991, to the Department of Administrative Services, for Program 588, to aid in carrying out the provisions of Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. There is hereby appropriated (1) $60,944 from the General Fund for the period July 1, 1990, to June 30, 1991, and (2) $60,944 from the General Fund for the period July 1, 1991, to June 30, 1992, to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

The amount appropriated in this section for each fiscal year shall be reduced by the amount of rental income received during such fiscal year by the Department of Correctional Services which is derived from the rental of property subject to Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

Sec. 3. There is hereby appropriated (1) $41,000 from the General Fund for the period July 1, 1990, to June 30, 1991, and (2) $41,000 from the General Fund for the period July 1, 1991, to June 30, 1992, to the Department of Public Institutions, for Program 519, to aid in carrying out the provisions of Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

The amount appropriated in this section for each fiscal year shall be reduced by the amount of rental income received during such fiscal year by the Department of Public Institutions which is derived from the rental of property subject to Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

Sec. 4. There is hereby appropriated (1) $31,000 from the General Fund for the period July 1, 1990, to June 30, 1991, and (2) $31,000 from the General Fund for the period July 1, 1991, to June 30, 1992, to the Department of Public Institutions; for Program 421, to aid in carrying out the provisions of Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

The amount appropriated in this section for each fiscal year shall be reduced by the amount of rental income received during such fiscal year by the Department of Public Institutions which is derived from the rental of property subject to Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

Sec. 5. There is hereby appropriated (1) $27,000 from the General Fund for the period July 1, 1990, to June 30, 1991, and (2) $27,000 from the General Fund for the period July 1, 1991, to June 30, 1992, to the Department of Public Institutions, for Program 365, to aid in carrying out the provisions of Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.

The amount appropriated in this section for each fiscal year shall be reduced by the amount of rental income received during such fiscal year by the Department of Public Institutions which is derived from the rental of property subject to Legislative Bill 545, Ninety-first Legislature, Second Session, 1990.".

NOTICE OF COMMITTEE HEARING

Agriculture

LB 718 Tuesday, February 6, 1990 (cancel) 1:30 p.m.

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 720. E & R amendment, AM7087, found in the Journal on page 266 for the Fifth Day, was adopted.

Mr. Wesely renewed his pending amendment, AM2259, found in the Journal on page 542.

Mr. Warner offered the following amendment to the pending Wesely amendment:
FA346
by striking in line 21 "bargaining unit"

The Warner amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

PRESIDENT NICHOL PRESIDING

Mr. Bernard-Stevens offered the following amendment to the pending Wesely amendment:
FA348
Pg 1, line 14 strike the word "consider" and insert the word "include".

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Wesely amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 720A. E & R amendment, AM7088, found in the Journal on page 266 for the Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 8CA. E & R amendment, AM7100, found in the Journal on page 406 for the Tenth Day, was adopted.

Mr. Chambers offered the following amendment:
FA349
PAGE 1, lines 15, 16, reinstate old language;
PAGE 2, lines 1-3, reinstate old language, strike new language.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

Ashford
Baack
Bernard-Stevens
Chambers
Haberman
Hartnett
Korshoj
McFarland
Morrissey
Robak
Schimek
Scofield
Wesely

Voting in the negative, 24:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Coordsen
Crosby
Dierks
Elmer
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Langford
Moore
Peterson
Pirsch
Schellpeper
Warner
Wehrbein
Weihing

Present and not voting, 10:

Conway
Goodrich
Hall
Hannibal
Labedz
Lindsay
Lynch
Nelson
Rogers
Smith

Excused and not voting, 2:

Schmit
Withem

The Chambers amendment lost with 13 ayes, 24 nays, 10 present and not voting. and 2 excused and not voting.

The Chair declared the call raised.

Mmes. Robak and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA350
PAGE 5, strike lines 1-11.

Messrs. Moore and Hannibal asked unanimous consent to be excused. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers raised a point of order regarding whether there had been a full and fair debate on the Chambers amendment.

The Chair overruled the point of order stating there had been a full and fair debate on the Chambers amendment.

Mrs. Langford moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Langford motion to cease debate prevailed with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 9:

Ashford
Baack
Bernard-Stevens
Chambers
Hall
Korshoj
Morrissey
Schimek
Schmit

Voting in the negative, 25:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Crosby
Dierks
Elmer
Goodrich
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Langford
Lindsay
Nelson
Peterson
Pirsch
Schellpeper
Scofield
Wehrbein
Wesely

Present and not voting, 10:

Conway
Coordsen
Haberman
Hartnett
Labedz
Lynch
McFarland
Rogers
Warner
Weihing

Excused and not voting, 5:

Hannibal Moore Robak Smith Withem

The Chambers amendment lost with 9 ayes, 25 nays, 10 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Korshoj asked unanimous consent to print the following amendment to LB 81 in the Journal. No objections. So ordered.

AM2332

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 31-409.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-409.03. (1) The board of directors may divide the district into two or more voting precincts for the purpose of electing directors of the district. The precincts shall be established to include, as nearly as possible, equal acreage if the district levies taxes based on valuation or equal units of benefit if the district taxes on the basis of apportionment of benefits. Upon completion of the division the board shall prepare a subdivision plat and file the plat with the county clerk of each county containing affected land. The board shall provide for the phasing in of precinct voting for all elections subsequent to the decision to subdivide the district beginning with the first such election. After the board has divided the district pursuant to this subsection, the board shall not divide the district again or change the divisions until precinct voting is completely phased in and an election has been held for the directors to be elected in each precinct.

(2) When a district has been divided into two

or more voting precincts, an equal number of directors shall be elected in each precinct and the remaining directors, if any, shall be elected at large. Each director elected by precinct shall own land assessed for benefits in the precinct from which he or she is elected. Precinct elections shall be held at a location within the precinct designated by the board or as provided in section 31-409.01.

Sec. 2. That original section 31-409.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Ms. Scofield asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2331

1. In the Scofield amendment, AM2211:

a. On page 3, line 7, after "evaluate" insert "the center and"; and in line 21 after "objectives" insert "in funded communities";

b. On page 4, line 20, after "section" insert ". An organization selected to do evaluation and monitoring pursuant to subdivision (1)(e) of this section shall not also be engaged in training"; and

c. On page 6, strike beginning with "with" in line 12 through "families" in line 13 and insert "pursuant to carrying out the objectives of the act".

2. On page 25, line 4, after "in" insert "training and technical assistance for"; and strike beginning with "with" in line 11 through "43-534" in line 12 and insert "with the Family Services Incentive Act for Communities".

3. On page 26, strike lines 3 and 4 and all amendments thereto and insert

"(a) Analysis of existing curriculum in family-based and community-based services with modifications and development of new curriculum when needed;"; and strike beginning with "family" in line 19 through "43-534" in line 21 and insert "Family Services Incentive Act for Communities".

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1146. Placed on General File.
LEGISLATIVE BILL 1199. Placed on General File.

LEGISLATIVE BILL 1061. Placed on General File as amended.
Standing Committee amendment to LB 1061:
AM2293

1. Strike the original sections and insert the following new sections:

"Section 1. For purposes of Chapter 44, insurance shall not include a service contract. For purposes of this section, service contract shall mean (1) a motor vehicle service contract as defined in section 3 of this act or (2) a contract or agreement whether designated as a service contract, maintenance agreement, warranty, extended warranty, or any similar term, whereby a person undertakes to furnish, arrange for, or, in limited circumstances, reimburse for service, repair, or replacement of any or all of the components, parts, or systems of any covered residential dwelling or consumer product, when such service, repair, or replacement is necessitated by wear and tear, by inherent defect, or by the failure of an inspection to detect the likelihood of failure.

Sec. 2. Sections 2 to 8 of this act shall be known and may be cited as the Motor Vehicle Service Contract Reimbursement Insurance Act.

Sec. 3. For purposes of the Motor Vehicle Service Contract Reimbursement Insurance Act:

(1) Director shall mean the Director of Insurance;

(2) Mechanical breakdown insurance shall mean a policy, contract, or agreement that undertakes to perform or provide repair or replacement service, or indemnification for such service, for the operational or structural failure of a motor vehicle due to defect in materials or workmanship or normal wear and tear and that is issued by an insurance company authorized to do business in this state;

(3) Motor vehicle shall mean any motor vehicle defined in section 60-301;

(4) Motor vehicle service contract shall mean a contract or agreement given for consideration over and above the lease or purchase price of a motor vehicle that undertakes to perform or provide repair or

replacement service, or indemnification for such service, for the operational or structural failure of a motor vehicle due to defect in materials or workmanship or normal wear and tear but shall not include mechanical breakdown insurance.

(5) Motor vehicle service contract provider shall mean a person who issues, makes, provides, sells, or offers to sell a motor vehicle service contract, except motor vehicle service contract provider shall not include an insurer as defined in section 44-103;

(6) Motor vehicle service contract reimbursement insurance policy shall mean a policy of insurance providing coverage for all obligations and liabilities incurred by a motor vehicle service contract provider under the terms of motor vehicle service contracts issued by the provider; and

(7) Service contract holder shall mean a person who purchases a motor vehicle service contract.

Sec. 4. No motor vehicle service contract shall be issued, sold, or offered for sale in this state unless:

(1) The motor vehicle service contract provider is insured under a motor vehicle service contract reimbursement insurance policy issued by an insurer authorized to do business in this state;

(2) A true and correct copy of the motor vehicle service contract and the motor vehicle service contract reimbursement insurance policy have been filed with the director;

(3) The contract conspicuously states that the obligations of the motor vehicle service contract provider to the service contract holder are covered under the motor vehicle service contract reimbursement insurance policy; and

(4) The contract conspicuously states the name and address of the issuer of the motor vehicle service contract reimbursement insurance policy.

Sec. 5. No motor vehicle service contract reimbursement insurance policy shall be issued, sold, or offered for sale in this state unless the policy conspicuously states that the issuer of the policy will pay on behalf of the motor vehicle service contract provider all sums which the provider is legally obligated to pay in the performance of its contractual obligations under the motor vehicle service contracts issued or sold by the provider.

Sec. 6. The director may issue an order and notice of hearing instructing a motor vehicle service contract provider to cease and desist from selling or offering for sale motor vehicle service contracts if the director determines that the provider has failed to comply with the Motor Vehicle Service Contract Reimbursement Insurance Act. Upon the failure of a motor vehicle service contract provider to obey a cease and desist order issued by the director, the director may give notice in writing of the failure to the Attorney General, who may commence an action against the provider to enjoin the provider from selling or offering for sale motor vehicle service contracts until the provider complies with such sections. The district court may issue the injunction.

Sec. 7. The director may adopt and promulgate rules and regulations to carry out the Motor Vehicle Service Contract Reimbursement Insurance Act and to establish minimum standards for disclosure of the coverage limitations and exclusions of motor vehicle service contracts.

Sec. 8. The Motor Vehicle Service Contract Reimbursement Insurance Act shall not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or importer.

Sec. 9. That section 44-2402, Revised Statutes Supplement, 1989, be amended to read as follows:

44-2402. The Nebraska Property and Liability Insurance Guaranty Association Act shall apply to all kinds of direct insurance except ocean marine, motor vehicle service contract reimbursement, and those lines of insurance specified in subdivisions (1) through (4), (13) through (17), (19), and (20) of section 44-201.

Sec. 10. Sections 2 to 8 of this act shall become operative on January 1, 1991. The other sections of this act shall become operative on their effective date.

Sec. 11. That original section 44-2402, Revised Statutes Supplement, 1989, and also sections 44-3504 to 44-3518, Reissue Revised Statutes of Nebraska, 1943, and sections 44-3501 to 44-3503 and

44-3519, Revised Statutes Supplement, 1989, are repealed.”.

(Signed) David Landis, Chairperson

Education and Revenue

LEGISLATIVE BILL 1059. Placed on General File as amended.
Standing Committee amendment to LB 1059:
AM2309

1. On page 4, line 6, after “the” insert “aggregate”.

2. On page 5, line 10, after “act” insert “, except that for purposes of determining the local effort rate yield pursuant to section 8 of this act, adjusted valuation shall not include the value of any property which a court, by a final judgment to which no appeal is taken, has declared to be nontaxable or exempt from taxation”.

3. On page 6, after line 2, insert “(7) Department shall mean the State Department of Education;”; in line 3 strike “(7)” and insert “(8)”; in line 7 strike “(8)” and insert “(9)”; in line 9 strike “(9)” and insert “(10)”; in line 12 strike “(10)” and insert “(11)”; in line 15 strike “(11)” and insert “(12)”; in line 18 strike “(12)” and insert “(13)” and strike “budgeted” and insert “budget of operating”; in line 21 after “Act” insert “, except that for purposes of the limitation imposed in section 14 of this act, the general fund budget of operating expenditures shall not include any special grant funds received by a district subject to the approval of the department”; in line 22 strike “(13)” and insert “(14)”; and in line 24 strike “(14)” and insert “(15)”.

4. On page 7, strike lines 7 through 9 and insert:

“(16) Income tax liability shall mean the amount of the reported income tax liability for resident individuals pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;”; in line 10 strike “(16)” and insert “(17)”; in line 17 strike “(17)” and insert “(18)”; in line 20 strike “(18)” and insert “(19)”; and in line 22 strike “(19)” and insert “(20)”.

5. On page 8, line 1, strike "(20)" and insert "(21)".

6. On page 8, lines 12 and 16; page 9, lines 1, 4, 8, 10, 11 and 14; page 10, lines 1, 7, 13, 21, and 23; and page 20, line 4, strike "receipts" and insert "liability".

7. On page 10, line 16, strike "tax" and insert "calendar".

8. On page 15, line 4, after the semicolon insert "and"; and in line 13 strike the semicolon and insert an underscored period.

9. On page 16, line 2, after the semicolon insert "and"; and in line 10 strike the semicolon and insert an underscored period.

10. On page 17, line 12, strike "Each" and insert "(1) Except as provided in subsection (2) of this section, each"; and after line 21 insert the following new subsection:

"(2) A district shall not receive state aid for each of the school years 1990-91, 1991-92, and 1992-93 which is less than the amounts prescribed in subdivisions (a) through (c) of this subsection:

(a) For school year 1990-91, a district shall not receive less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90;

(b) For school year 1991-92, a district shall not receive less than eighty percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90; and

(c) For school year 1992-93, a district shall not receive less than sixty percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90.".

11. On page 20, lines 7 and 8; page 23, lines 4 and 5 and 20 and 21; and page 30, line 5, strike "State Department of Education" and insert "department".

12. On page 26, line 22, after "to" insert "the satisfaction of".

13. On page 30, line 10, strike "notwithstanding" and insert "in addition to".

14. On page 36, line 7, strike "1990" and insert "1991".

15. On page 44, line 22, after the semicolon

insert "and".

16. On page 50, line 10, strike "79-1369, and 79-12,145" and insert "79-12,145, and 79-1369".

17. Renumber original sections 32 and 33 as 33 and 32 respectively.

(Signed) Merton L. Dierks, Vice Chairperson
(Signed) Tim Hall, Chairperson

Revenue

LEGISLATIVE BILL 239. Indefinitely postponed.
LEGISLATIVE BILL 249. Indefinitely postponed.
LEGISLATIVE BILL 299. Indefinitely postponed.
LEGISLATIVE BILL 832. Indefinitely postponed.
LEGISLATIVE BILL 850. Indefinitely postponed.
LEGISLATIVE BILL 894. Indefinitely postponed.
LEGISLATIVE BILL 1034. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 871. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 1074. Placed on General File.

LEGISLATIVE BILL 864. Indefinitely postponed.

(Signed) Jacklyn Smith, Chairperson

Health and Human Services

LEGISLATIVE BILL 1047. Placed on General File.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 915. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dale Barth from Stanton; Marlene K. Faiman: 42 juniors and sponsors from North Bend; Gwen Epler, Tehresa Heitz, and Teresa Kliewer from Omaha Christian Academy; Bill Boone and Marty Peterson from North Platte; Elmer Olberding and Al Stracka from Holt County; Wilbur and Charlotte Nelson from Minden; Clint Morrison from Gering/Scottsbluff; and Bob Ehlers from York and Ed Ediger from Hampton.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:00 a.m., Wednesday, January 31, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - JANUARY 31, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 31, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Jerry Leever, Belmont Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Ashford, Baack, Byars, Conway, Dierks, Hall, Hartnett, R. Johnson, Landis, Lindsay, Lynch, McFarland, Schmit, Warner, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1037. Placed on General File.

(Signed) Merton L. Dierks, Vice Chairperson

Business and Labor

LEGISLATIVE BILL 1135. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

Agriculture

LEGISLATIVE BILL 972. Placed on General File.

LEGISLATIVE BILL 83. Indefinitely postponed.
LEGISLATIVE BILL 117. Indefinitely postponed.
LEGISLATIVE BILL 718. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

Education

LEGISLATIVE BILL 1033. Placed on General File as amended.
Standing Committee amendment to LB 1033:
AM2351

1. On page 2, line 14, after “for” insert “the first issuance of”; in line 15 strike “issued” and “on”; and in line 16 strike “such certificate”.

(Signed) Merton L. Dierks, Vice Chairperson

General Affairs

LEGISLATIVE BILL 862. Placed on General File as amended.
Standing Committee amendment to LB 862:
AM2343

1. Insert the following new sections:

“Sec. 2. That section 49-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-506. After the Secretary of State has made the distribution provided by section 49-503, he or she shall deliver additional copies of the session laws and the journal of the Legislature pursuant to this section.

One copy of the session laws shall be delivered to the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of the Supreme Court, the State Court Administrator, the State Fire Marshal, the Department of Administrative Services, the Department of Aeronautics, the Department of Agriculture, the Department of Banking and Finance, the State Department of Education, the Department of Environmental Control, the Department of Health, the Department of Insurance, the Department of Labor, the Department of Motor Vehicles, the Department of Public Institutions, the Department of Revenue, the Gaming Commissioner, the Department of Roads, the Department of Social Services, the Department of Veterans' Affairs, the Department of Water Resources, the Military Department, the Nebraska State Patrol, the Nebraska Commission on Law Enforcement and Criminal Justice, each of the Nebraska state colleges, the Nebraska Coordinating Commission for Postsecondary Education for use by the technical community colleges, the Game and Parks Commission, the Nebraska Library Commission, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the Nebraska Accountability and Disclosure Commission, the Public Service Commission, the State Real Estate Commission, the Nebraska State Historical Society, the Public Employees Retirement Board, the Risk Manager, the Legislative Fiscal Analyst, the Public Counsel, the materiel division of the Department of Administrative Services, the State Records Administrator, the budget division of the Department of Administrative Services, and the Library of Congress; two copies to the Governor, the Secretary of State, the Nebraska Workers' Compensation Court, and the Commission of Industrial Relations; four copies to the Nebraska Publications Clearinghouse; five copies to the Attorney General; seven copies to the Supreme Court and the Legislative Council; eight copies to the Clerk of the Legislature; nine copies to the Revisor of Statutes; and thirty-five copies to the University of Nebraska College of Law.

One copy of the journal of the Legislature shall be delivered to the Governor, the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of the Supreme Court, the State Court Administrator, the Nebraska State Historical Society, the Legislative Fiscal Analyst, and the Library of Congress; two copies to the Secretary of State, the Commission of Industrial Relations, and the Nebraska Workers' Compensation Court; four copies to the Nebraska Publications Clearinghouse; five copies to the Attorney

General and the Revisor of Statutes; seven copies to the Supreme Court and the Legislative Council; eight copies to the Clerk of the Legislature; and thirty-five copies to the University of Nebraska College of Law. The remaining copies shall be delivered to the State Librarian who shall use the same, so far as required for exchange purposes, in building up the State Library and in the manner specified in sections 49-507 to 49-509.

Sec. 3. That section 49-617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-617. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the Supreme Court. These copies shall be held and disposed of by the court as follows: Sixty copies to the Nebraska State Library to exchange for statutes of other states; five copies to the Nebraska State Library to keep for daily use; not to exceed twenty-five copies to the Nebraska Legislative Council for bill drafting and related services to the Legislature and executive state officers; as many copies to the Attorney General as he or she has attorneys on his or her staff; eight copies to the State Court Administrator; twelve copies to the Tax Commissioner; eight copies to the Nebraska Publications Clearinghouse; six copies to the Public Service Commission; four copies to the Secretary of State; four copies to the Clerk of the Nebraska Legislature for use in his or her office and three copies to be maintained in the legislative chamber, one copy on each side of the chamber and one copy at the desk of the Clerk of the Legislature, under control of the sergeant at arms; two copies each to the Governor of the state, the Chief Justice and each Judge of the Supreme Court, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Auditor of Public Accounts, the Commissioner of Labor, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, each Indian tribal court located in the State of Nebraska, the library of the Supreme Court of the United States, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Gaming Commissioner, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Director of Economic Development, the Director of the Public Employees Retirement Board, the Director of Health, the Director-State Engineer, the Director of Banking and Finance, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Water Resources, the Director of Social Services, the Director of Public Institutions, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workers' Compensation Court, each judge of the Commission of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the State Real Estate Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Surveyor, the Nebraska State Patrol, the materiel division of the Department of Administrative Services, the Department of Personnel, Nebraska Motor Vehicle Industry Licensing Board, the Board of Trustees of the Nebraska State Colleges, each of the Nebraska state colleges, each district judge of the State of Nebraska, each judge of the county court, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, the clerk of the Nebraska Workers' Compensation Court, each clerk of the county court, each county attorney, each county public defender, and each county law library of the State of Nebraska, and the inmate library at all state penal and correctional institutions, and each member of the Legislature shall be entitled to two complete sets, and two complete sets of such volumes as are necessary to update previously issued volumes, but each member of the Legislature and each judge of any court referred to in this section shall be entitled, on request, to an additional complete set. Copies of the statutes distributed without charge, as above listed, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.

Sec. 4. Wherever in sections 9-1,105, 9-226, 9-226.01, 9-227, 9-262.01, 9-322, 9-322.02, 9-323, 9-350, 9-419, 9-432, 9-620, 9-622, and 9-649 the phrase Tax Commissioner appears, the Revisor of Statutes shall substitute the phrase Gaming Commissioner.

Wherever in sections 9-266, 9-356, and 9-653 the phrase Tax Commissioner appears, the Revisor of Statutes shall add the phrase or Gaming Commissioner.".

2. On page 2, line 17, after the period insert "The Gaming Commissioner shall not be the same person as the Tax Commissioner.".

3. On page 3, line 10, after "Tax Commissioner" insert "or Gaming Commissioner"; after line 16 insert:

"(5) The Gaming Commissioner shall employ auditors, attorneys, agents, and other persons as he or she deems necessary to effectively administer and enforce the acts.

(6) The Gaming Commissioner shall adopt and promulgate rules and regulations to carry out the powers and duties imposed on the Gaming Commissioner and the Charitable Gaming Division.

(7) The Charitable Gaming Division may charge, for publications and listings it produces, a fee not to exceed the cost of publication and distribution of such items. The division may also charge a fee for making a copy of any record in its possession equal to the actual cost per page. The fees shall be remitted by the division to the State Treasurer for credit to the Charitable Gaming Operations Fund."; and in line 17 strike "section 9-1,101" and insert "sections 9-1,101, 49-506, and 49-617".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 936. Placed on General File as amended.
Standing Committee amendment to LB 936:
AM2342

1. Strike original section 1 and insert the following new section:

"Section 1. That section 53-184, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

53-184. No person, except a manufacturer, distributor, or wholesaler, shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor. It ~~; and it~~ shall be unlawful for any person to have in his or her possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor~~,~~ except in original packages. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale.”.

(Signed) Jacklyn Smith, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 663. Placed on Select File as amended.
E & R amendment to LB 663:
AM7116

1. In the Scofield amendment, AM2210:

a. On page 2, line 17, strike “committees” and insert “communities”; and in line 20 after “programs” insert “or services”;

b. On page 4, line 4, after “local” insert “political”; and in line 15 strike “counties” and insert “eligible applicants”;

c. On page 7, line 16, after “cases” insert “for the geographic area to be served”;

d. On page 9, line 3, strike “of” and insert “to”; and in lines 12, 15, and 18 after the right-hand parenthesis insert “Plans that” and lowercase the next word;

e. On page 10, line 1, strike “Eligible applicants who have” and insert “An eligible applicant who has”; in line 4 strike “shall describe” and insert “describes”; in line 5 strike “applicants” and insert “applicant”; and in line 7 strike “such budgets” and insert “the budget”;

f. On page 12, line 15, strike “funds” and insert “uses”; and in line 18 after “community-wide” insert an underscored comma;

g. On page 13, line 6, after “community-wide” insert ", interdisciplinary"; and in line 20 after "The" insert "Executive";

h. On page 17, lines 12 and 16, after "community-based" insert an underscored comma;

i. On page 18, line 18, after "including" insert an underscored comma; and

j. On page 22, line 8, strike the second "and" and insert ", and to".

2. On page 1, line 2, strike "43-258 and 81-1425" and insert "29-2252 and 83-4,126"; strike beginning with "change" in line 4 through line 9 and insert "provide duties for the Department of Correctional Services, probation administrator, and Jail Standards Board as prescribed;".

(Signed) John C. Lindsay, Chairperson

ANNOUNCEMENT

Mr. Korshoj designates LB 81 as his priority bill.

NOTICE OF COMMITTEE HEARING

Agriculture

LB 849	Tuesday, February 6, 1990	1:30 p.m.

(Signed) Rod Johnson, Chairperson

REPORT

Received report from the fund managers for the Omaha School Employees Retirement System in accordance with Nebraska State Statute 79-1051.06.

SELECT FILE

LEGISLATIVE RESOLUTION 8CA. Mr. Chambers moved to indefinitely postpone.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers motion to indefinitely postpone lost with 2 ayes, 13 nays, 24 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
FA351

1. Page 2, lines 2, 10, 18 and 24 and wherever else the words "Supreme Court" appear in LR 8CA, strike "Supreme" and insert, "Big-Shot".

2. On page 2, line 25; page 3, lines 10, 14; page 4, lines 4, 8; and page 5, line 23, strike "appellate" and insert, "peon".

The Chambers amendment lost with 1 aye, 10 nays, 28 present and not voting, and 10 excused and not voting.

Mrs. Beck asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers requested a machine vote on the advancement of the resolution.

Mr. Kristensen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 30:

Ashford
Barrett
Beck
Beyer
Byars
Chizek
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein

Voting in the negative, 9:

Baack
Bernard-Stevens
Chambers
Haberman
Johnson, R.
Korshoj
Morrissey
Schimek
Weihing

Present and not voting, 3:

Coordsen
Hartnett
Wesely

Excused and not voting, 7:

Abboud
Conway
Hall
Landis
Robak
Schmit
Withem

Advanced to E & R for engrossment with 30 ayes, 9 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1064. Placed on General File.

LEGISLATIVE BILL 472. Placed on General File as amended.
Standing Committee amendment to LB 472:
AM2144

1. Strike original sections 8 to 11 and 14 and insert the following new sections:

"Sec. 10. That section 71-5115, Revised Statutes Supplement, 1989, be amended to read as follows:

71-5115. (1) There is hereby established the Board of Ambulance Advisors which shall advise and assist the department in administering the program provided by sections 71-5101 to 71-5140 and approve all rules and regulations adopted and promulgated by the department.

(2) The board shall be composed of ~~twelve~~ thirteen members appointed by the Governor, six of whom shall be representatives of volunteer ambulance services, one of whom shall be a representative of private ambulances, two of whom shall be representatives of local governmental ambulance services, one of whom shall be a physician licensed to practice medicine and surgery pursuant to the Uniform Licensing Law, one of whom shall be a certified first responder, one of whom shall be an administrator of a hospital licensed by the department, and one of whom shall be a public-spirited citizen of Nebraska interested in emergency medical services. Each member of the board shall be a resident of the state. The six members of the board representing the volunteer ambulance services shall be selected by the Governor from the six health planning areas in

Nebraska. Each member of the board, with the exception of the public-spirited citizen, shall have had at least five years of experience in the profession or calling of his or her class prior to his or her appointment. Each representative of an ambulance service appointed to the board shall be an ambulance attendant certified by the department.

Sec. 12. That original section 71-5115, Revised Statutes Supplement, 1989, is repealed.”.

2. On page 2, line 1, strike “14” and insert “9”.

3. On page 3, strike beginning with “for” in line 8 through “Certification” in line 9 and insert “of Ambulance Advisors”; in line 10 strike “State”; and in line 11 strike “Education” and insert “Health”.

4. Renumber the remaining sections accordingly and insert underscoring in sections 1 to 9.

LEGISLATIVE BILL 1080. Placed on General File as amended.
Standing Committee amendment to LB 1080:
AM2310

1. On page 16, line 24, after “the” insert “evening and night”.

2. On page 18, line 13, after “admission” insert “or progress”; and strike lines 22 and 23 and insert:

“A waiver may be granted under this subsection for a period of up to one year by the department.”.

3. On page 20, line 12, after the period insert “Successful completion of such advanced course shall require a grade of eighty percent or higher in an advanced course test administered by the department, a grade of eighty percent or higher in a non-facility-based program approved by the department, or successful completion of a course in another state which has been approved by the department.”.

4. On page 21, line 9, after the last comma insert “for nursing assistants at all nursing homes, and on and after such date for nursing assistants at intermediate care facilities for the mentally retarded,”; and in line 19 after the comma insert “for nursing assistants at all nursing homes other than intermediate care facilities for the mentally retarded”.

5. On page 22, line 8, strike “approved”,

show as stricken, and insert "test administered" and after "department" insert ", has received a grade of eighty percent or higher in a non-facility-based program approved by the department.".

6. On page 24, line 2, after the period insert "The content of the courses of training shall be consistent with the requirements of the Omnibus Reconciliation Act of 1987, Public Law 100-203, unless exempted."; in line 17, after the comma insert "for nursing assistants at all nursing homes, and on and after such date for nursing assistants at intermediate care facilities for the mentally retarded,"; and in line 21 after the last comma insert "for nursing assistants at all nursing homes other than intermediate care facilities for the mentally retarded,".

LEGISLATIVE BILL 376. Indefinitely postponed.
LEGISLATIVE BILL 519. Indefinitely postponed.
LEGISLATIVE BILL 753. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Natural Resources

LEGISLATIVE BILL 973. Placed on General File as amended.
Standing Committee amendment to LB 973:
AM2355

1. Strike original section 3.
2. Renumber the remaining section accordingly.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 854	Wednesday, February 7, 1990	11:00 a.m.
LB 889	Wednesday, February 7, 1990	11:00 a.m.
LB 1024	Wednesday, February 7, 1990	11:00 a.m.
LB 1054	Wednesday, February 7, 1990	11:00 a.m.
LB 904	Wednesday, February 14, 1990	1:30 p.m.
LB 928	Wednesday, February 14, 1990	1:30 p.m.
LB 967	Wednesday, February 14, 1990	1:30 p.m.

LB 976	Wednesday, February 14, 1990	1:30 p.m.
LB 1205	Wednesday, February 14, 1990	1:30 p.m.
LB 846	Thursday, February 15, 1990	1:30 p.m.
LB 927	Thursday, February 15, 1990	1:30 p.m.
LB 977	Thursday, February 15, 1990	1:30 p.m.
LB 1103	Thursday, February 15, 1990	1:30 p.m.
LB 1023	Friday, February 16, 1990	1:30 p.m.
LB 1145	Friday, February 16, 1990	1:30 p.m.
LB 1151	Friday, February 16, 1990	1:30 p.m.
LB 1091	Wednesday, February 21, 1990	1:30 p.m.
LB 1114	Wednesday, February 21, 1990	1:30 p.m.
LB 1242	Wednesday, February 21, 1990	1:30 p.m.
LB 1095	Thursday, February 22, 1990	1:30 p.m.
LB 1144	Thursday, February 22, 1990	1:30 p.m.
LB 1196	Thursday, February 22, 1990	1:30 p.m.
LB 1227	Thursday, February 22, 1990	1:30 p.m.
LR 245	Thursday, February 22, 1990	1:30 p.m.
LB 1127	Friday, February 23, 1990	1:30 p.m.
LB 1163	Friday, February 23, 1990	1:30 p.m.
LB 1204	Friday, February 23, 1990	1:30 p.m.
LB 1212	Friday, February 23, 1990	1:30 p.m.
LB 839	Tuesday, February 27, 1990	1:30 p.m.
LB 886	Tuesday, February 27, 1990	1:30 p.m.
LB 1194	Tuesday, February 27, 1990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Nebraska Retirement Systems
James D. Murphy - Public Employees Retirement Board

Natural Resources
Lance Paulsen - Environmental Control Council

Banking, Commerce and Insurance
K. Kirk Jamison - Nebraska Investment Council
and Nebraska Investment Finance Authority

General Affairs
Jon McCafferty - State Electrical Board

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 50. E & R amendment, AM7103, found in the Journal on page 406 for the Tenth Day, was adopted.

Mr. Dierks renewed his pending amendment, AM2318, found in the Journal on page 558.

The Dierks amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 503. E & R amendment, AM7106, found in the Journal on page 407 for the Tenth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 503A. E & R amendment, AM7107, found in the Journal on page 408 for the Tenth Day, was adopted.

Mr. Goodrich renewed his pending amendment, AM0982, found in the Journal on page 506.

The Goodrich amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mrs. Smith requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 163. E & R amendment, AM7110, found in the Journal on page 429 for the Eleventh Day, was adopted.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson renewed his pending amendment, AM2268, found in the Journal on page 543.

MR. LAMB PRESIDING

SPEAKER BARRETT PRESIDING

The R. Johnson amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Morrissey offered the following amendment:
AM2314

1. Insert the following new section:

"Sec. 7. It is the intent of the Legislature that at least one million five hundred thousand dollars of the amount appropriated from the General Fund to carry out this legislative bill be used in the manner prescribed in this section. At least fifty thousand dollars shall be used by the University of Nebraska to conduct a feasibility study regarding the options available for tire disposal and energy resource recovery. Any discoveries from such study shall be made available to the public for implementation and use by the public as soon as possible. The remaining funds shall be used for the preparation of comprehensive solid waste management plans by the state and its political subdivisions. Such solid waste management plans shall be prepared and contracted for within one year of the effective date of this act. When preparing the plans it is the intent of the Legislature that the state and political subdivisions consider the following hierarchy of criteria: (1) Volume reduction at the source; (2) recycling, reuse, and vegetative waste composting; (3) incineration with energy resource recovery; (4) incineration for volume reduction; and (5) land disposal.

The Environmental Control Council shall adopt and promulgate rules and regulations for solid waste management options which substantially comply with Environmental Protection Agency rules and guidelines, including those rules and guidelines promulgated pursuant to the 1984 Hazardous and Solid Waste Amendments to Subtitle D of the federal Resource Conservation and Recovery Act of 1976.”.

PRESIDENT NICHOL PRESIDING

Messrs. Warner and Hannibal asked unanimous consent to be excused. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Abboud moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Morrissey moved for a call of the house. The motion prevailed with 17 ayes. 1 nay, and 31 not voting.

Mr. Morrissey requested a record vote on his amendment.

Voting in the affirmative, 32:

Abboud
Ashford
Baack
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Weihing
Wesely

Voting in the negative, 10:

Barrett
Beyer
Byars
Goodrich
Johnson, L.
Lamb
Langford
Moore
Pirsch
Wehrbein

Present and not voting, 4:

Beck
Johnson, R.
Kristensen
Peterson

Excused and not voting, 3:

Hannibal Warner Withem

The Morrissey amendment was adopted with 32 ayes, 10 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendments to LB 163 in the Journal. No objections. So ordered.

(1)

AM2356

1. On page 5, line 5, strike "and"; in line 6 strike the period and insert "; and"; and after line 6 insert the following new subdivision:

"(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.".

(2)

AM2141

1. Insert the following new section:

"Sec. 6. There is hereby imposed a fee on disposable diapers which are not biodegradable or photodegradable and which are sold at retail in this state. The fee shall be collected by the Department of Revenue from each retail vendor of disposable diapers and shall be remitted to the State Treasurer for deposit in the Waste Reduction and Recycling Incentive Fund. The fee shall equal ten cents per dozen disposable diapers which are not biodegradable or photodegradable. For purposes of this section, (1) biodegradable shall be defined as in section 69-2003, (2) photodegradable shall be defined as in section 69-2005, and (3) retail shall be defined as in section 69-2007. The department shall adopt and promulgate rules and regulations necessary for the efficient administration and collection of the fee.".

(3)

AM2147

1. On page 5, line 5, strike "and"; and in line 6 after "(h)" insert "Programs to assist in the development and research of degradable products and

their proper disposal;

(i) Market development of degradable products; and

(j)”.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 962A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 962, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2124

1. Insert the following new sections:

“Sec. 2. The Legislature further recognizes the emerging crisis of solid waste disposal facing the state and its communities and the urgent need for a comprehensive strategic plan to reduce solid waste, encourage recycling, create markets, and develop methods for cleaner and safer landfills.

Sec. 3. There is hereby created within the Legislative Council a committee to direct and oversee the formulation of a statewide plan which shall include all forms of municipal solid waste. The committee shall consist of:

(1) Five members of the Legislature who shall be appointed by the Executive Board of the Legislative Council within fifteen days after the effective date of this act. One such member shall at the time the appointment is made be a member of the Agriculture Committee, one the Appropriations Committee, one the Business and Labor Committee, one the Natural Resources Committee, and one the Urban Affairs Committee;

(2) Three members from the general public representing each congressional district who shall be

appointed by the Governor;

(3) One representative from the Department of Energy;

(4) One representative from the Department of Environmental Control;

(5) One representative from the Department of Health;

(6) One representative from the Nebraska Association of County Officials;

(7) One representative from the League of Municipalities; and

(8) One representative from each of the following groups: Environmental; recycling; business; labor; and medicine.

The Governor shall appoint the members listed in subdivisions (2) through (5) of this section within fifteen days after the effective date of this act. The members of the committee listed in subdivisions (1) and (3) through (5) of this section shall then submit to the Governor a list of names for him or her to consider in making the appointments pursuant to subdivisions (6) through (8) of this section, which appointments shall be made within thirty days after the effective date of this act. Any vacancy shall be filled by the appointing body or official for the remainder of the term. The members of the committee shall elect a chairperson and vice-chairperson from among themselves.

The committee may utilize the staff of the Legislative Fiscal Analyst, the Director of Research of the Legislature, and the committees referred to in subdivision (1) of this section to assist it in carrying out its duties under sections 2 to 8 of this act. Members of the committee shall be reimbursed for their actual and necessary expenses as provided in section 81-1174 to 81-1177.

Sec. 4. The committee created in section 3 of this act and any advisory body it may create shall cease to exist on January 1, 1992.

Sec. 5. The committee created in section 3 of this act shall formulate a Solid Waste Reduction Plan for Nebraska. The committee may select and the Legislative Council may contract with an individual, entity, or organization not based in Nebraska to assist in formulating the plan.

Sec. 6. The Solid Waste Reduction Plan shall include, in the following order of priority: (1) Solid waste reduction; (2) reuse and recycling of solid waste; (3) landfill of solid waste; (4) incineration of the remainder of the waste; and (5) any other related considerations.

Sec. 7. (1) The committee created in section 3 of this act shall submit a written report to the Legislature on December 1, 1990, outlining proposals and recommendations which address solid waste management issues. The committee may continue investigating other possible alternatives for the duration of its existence.

(2) The report required by subsection (1) of this section shall include cost estimates of the financial impact of any recommended changes, a strategic plan for the future of solid waste management in the state. and the identification of an ongoing process for the development and implementation of such a plan.

After the submission of the report, the committee shall forward it to the Governor and other interested parties in the state by December 15, 1990, along with any additional or different recommendations the committee may have.

Sec. 8. Expenditures for carrying out the duties of the committee created in section 3 of this act. including employment of a contractor, shall be appropriated to the Legislative Council and accounted for by a separate subprogram within an appropriate program within the agency. The Legislature shall appropriate from the General Fund for FY1990-91 two hundred fifty thousand dollars for such purpose.

Such incidental expenses as deemed necessary for functions of the committee may also be appropriated to the and accounted for by a separate subprogram from the agency's operating expenses.".

2. On page 4, line 2, strike "4" and insert "11": in line 6 strike "6" and insert "12"; and in line 7 strike "The" and insert: "The fund shall be used to reimburse the General Fund in the amount of two hundred fifty thousand dollars.

(3) After the reimbursement required by subsection (2) of this section has been made, the".

3. On page 5, line 7, strike "(3)" and insert "(4)".

4. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 769 in the Journal. No objections. So ordered.

AM2313

1. Insert the following new sections:

"Sec. 8. That section 68-1020, Revised Statutes Supplement, 1988, be amended to read as follows:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and all individuals less than twenty-one years of age who are eligible under section 1905(a) of the Social Security Act, as amended.

(2) The Director of Social Services shall provide, through rule and regulation, such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under 42 U.S.C. 1396a, as amended; ~~section 9407, Public Law 99-509, 100th Congress, 1986; or~~

(b) Who have income at or below one hundred eighty-five percent of the Office of Management and Budget's income poverty guidelines, without regard to resources, including children up to such age as allowed under ~~section 9401, Public Law 99-509, 100th Congress, 1986~~ 42 U.S.C. 1396a, as amended; or

(c) Who have income at or below one hundred percent of the Office of Management and Budget's income poverty guidelines as allowed under section 9402, Public Law 99-509, 100th Congress, 1986.

Sec. 9. Sections 8 and 11 of this act shall become operative on October 1, 1990. The other sections of this act shall become operative on their effective date.

Sec. 11. That original section 68-1020, Revised Statutes Supplement, 1988, is repealed.".

2. Insert underscoring as necessary.

3. Renumber the remaining section accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 187 in the Journal. No objections. So ordered.

AM2308

(Amendments to Final Reading copy)

1. Strike original section 4.

2. On page 1, line 2; and page 15, line 9, strike "68-128,".

3. On page 3, line 17; page 4, line 10; page 12, line 10; and page 13, line 8, strike "7 to 13" and insert "6 to 12".

4. On page 5, line 1, strike "8" and insert "7".

5. On page 5, line 17; and page 13, line 10, strike "1990" and insert "1991".

6. On page 13, line 14, strike "per fiscal year" and insert "of seven million two hundred thousand dollars for FY1991-92 and a maximum total payment" and after "dollars" insert "for each subsequent fiscal year".

7. On page 15, line 4, strike "11, 13, 14, and 16" and insert "10, 12, 13, and 15"; and in line 5 strike "1990" and insert "1991".

8. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 187A in the Journal. No objections. So ordered.

AM2358

(Amendments to Final Reading second)

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $512.459 from the General Fund for FY1990-91 and (2) $1.502.719 from the General Fund for FY1991-92, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $76,582 for FY1990-91 or $990.531 for FY1991-92.

Sec. 2. There is hereby appropriated

$7,200,000 from the General Fund for FY1991-92, to the Department of Social Services, for Program 349, to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 1, strike beginning with "medical" in line 1 through line 11 and insert "appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, Second Session, 1990.".

3. On page 2, strike lines 1 through 4.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2349

1. Insert the following new section:

"Sec. 29. That section 77-2716.01, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1988, the amount allowed to be subtracted shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1989, the amount allowed to be subtracted shall be one thousand one hundred eighty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1990 and each tax year thereafter, the amount to be subtracted shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. If any amount to be subtracted is not a multiple of ten dollars, the amount shall be rounded to the next lowest multiple of ten dollars. The amount shall then be multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed

to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.

(4)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state, is not operated for profit, does not discriminate on the basis of race, color, or national origin, and fulfills the school term requirements prescribed in section 79-201.

(b) For purposes of this subsection:

(i) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return;

(ii) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities; and

(iii) Transportation shall not include transportation to and from extracurricular activities.".

2. On page 50, line 18, after "sections" insert "77-2716.01,".

3. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 551. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2128.)

(Signed) Don Wesely, Chairperson

General Affairs

LEGISLATIVE BILL 1101. Placed on General File as amended.
Standing Committee amendment to LB 1101:
AM2344

1. On page 8, line 11, after the period insert “If payment is not made prior to the expiration date of the license, a penalty of ten dollars shall be assessed for each day the payment is late not to exceed three hundred dollars, except that the commission may waive all or part of such penalty in case of hardship.”; in line 20 strike “twenty-five” and insert “ten”; in line 21 strike “per day”; and in line 22 after “late” insert “not to exceed three hundred dollars”.

2. On page 9, line 8, after the period insert “All penalties collected by the commission pursuant to this section shall be remitted to the State Treasurer for credit to the permanent school fund.”; in line 18 after “to” insert “persons who are not minors and who are”; and in line 19 after “of” insert “(a)” and strike the second “or” and insert “of common or contract carriers granted authority to operate under section 75-309 or (b)”.

(Signed) Jacklyn Smith, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1066. Placed on General File.

LEGISLATIVE BILL 549. Placed on General File as amended.
Standing Committee amendment to LB 549:
AM2145

1. Strike original sections 1, 3, and 4 and insert the following new sections:

“Section 1. That section 77-2321, Revised

Statutes Supplement, 1989, be amended to read as follows:

77-2321. The depository furnishing securities as set forth in section 77-2320 shall have the right at any time and without prior approval to substitute other ~~approved~~ securities of equal value in lieu of securities already deposited, except that such securities substituted shall be those provided for in section 77-2320. At all times the total value of the securities on deposit shall be in an amount equal to or greater than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation, except that in the case of the deposit of municipal bonds alone, the total value shall equal ten percent more than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation. Following any substitution of securities pursuant to this section, the county treasurer shall report such substitution at the next meeting of the county board. ~~pledged if it so desires at any time. In counties having a population of two hundred thousand inhabitants or more the county board may by resolution authorize the county treasurer to accept the substitution of other approved securities in lieu of securities already pledged and report such action at the next meeting of the county board. If the action of the treasurer in accepting such substitution shall not be approved by the board at such first meeting, then the depository shall be required to deposit securities satisfactory to the board or the treasurer shall withdraw the deposit within three days. Such securities substituted must, however, be those provided for in section 77-2320 and approved by the members of the county board, the total value of which in the case of bonds alone shall at all times equal ten percent more than the maximum amount of the deposit to which the bank or capital stock financial institution is entitled.~~

Sec. 3. That section 77-2326.04, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.04. (1) No deposits in excess of the amount insured by the Federal Deposit Insurance Corporation ~~or the Federal Savings and Loan Insurance Corporation~~ shall be made to accumulate in any bank or capital stock financial institution designated as a depository unless and until the county judge, clerk of the county court, or clerk of the district court, as the case may be, has received from such depository as security for the prompt repayment by the depository of his or her respective deposits in excess of the amount insured by the Federal Deposit Insurance Corporation ~~or the Federal Savings and Loan Insurance Corporation~~ either a surety bond in form and with corporate sureties approved by the county judge or judges or by formal resolution of the county board, as the case may be, or in lieu thereof a pledge of or grant of a security interest in:

(a) Bonds, notes, certificates of indebtedness, or treasury bills of the United States Government of any issue;

(b) Obligations fully and unconditionally guaranteed both as to principal and interest by the United States or bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration;

(c) Bonds of any county, city, village, or school district of this state which have been issued and registered as required by law;

(d) Loan participations which carry the guarantee of the Commodity Credit Corporation, an instrumentality of the United States Department of Agriculture; or

(e) Registered warrants of any county, city, or school district of this state.

(2) The delivery by the bank or capital stock financial institution designated as a depository to the county judge, clerk of the county court, or clerk of the district court, as the case may be, of a written receipt or acknowledgment from a Federal Reserve Bank or branch thereof or some other bank, capital stock financial institution, or trust company in this state, other than the bank or capital stock financial institution granting the security interest, that includes the name and title

of such public officer, describes securities identified on the books or records of the depository, and provides that the securities or the proceeds of securities will be delivered only upon surrender of the receipt or the acknowledgment duly executed by the public officer designated thereon and by the authorized representative of the depository shall, together with such public officer's actual and continued possession of such receipt or acknowledgment, constitute a valid and perfected security interest in favor of such public officer in and to the securities so identified. Article 9, Uniform Commercial Code, shall not apply to any security interest arising under this section. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 4. That section 77-2326.08, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.08. The depository pledging or granting a security interest in bonds or securities under sections 77-2326.01 to 77-2326.09 shall have the right to substitute therefor from time to time other and different bonds and securities of equal value within the foregoing requirements and to withdraw all or any part of such bonds or securities so pledged or in which a security interest has been granted upon repayment to the clerk of the county court or clerk of the district court of the value of the bonds or securities thus withdrawn. Each depository shall furnish directly to the county board a sworn monthly statement of the funds of the county judge, clerk of the county court, and clerk of the district court on deposit in such depository. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 5. That section 77-2326.09, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.09. ~~Neither the clerks~~ The clerk of the county court, the clerk of the district court, ~~nor~~ their deputies or other employees, and ~~nor~~ their sureties shall not be liable for any loss resulting from the failure of any bank or capital stock financial institution as to any such deposits made and maintained as provided in sections 77-2326.01 to 77-2326.09.

Sec. 6. That original section 77-2326.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2321, 77-2326.04, 77-2326.08, and 77-2326.09, Revised Statutes Supplement, 1989, are repealed.".

2. On page 3, line 17, after the first "of" insert "county judges, clerks of the county court, or".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1094. Placed on General File as amended.
Standing Committee amendment to LB 1094:
AM2337

1. On page 3, line 12, after "family" insert "whether or not in connection with a loan".

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 1212. No objections. So ordered.

VISITORS

Visitors to the Chamber were T. O. Haas and Dr. Ed Lymon; Mrs. Lear and Mrs. Adams from Norfolk; Cameron and Mary Jane Jackson from Herman; Chris and Stephanie Seng, and Siradou Bah from Guinea, West Africa; 14 juniors, seniors, and teacher from David City; and Mona Damico and Linda Brown from Hastings.

ADJOURNMENT

At 12:14 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 1, 1990

LEGISLATIVE JOURNAL

TWENTIETH DAY - FEBRUARY 1, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 1, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by John Wagner, President, Union College, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Hannibal, and Withem who were excused; and Messrs. Abboud, Baack, Conway, Haberman, Hall, Hartnett, R. Johnson, Kristensen, Lamb, Landis, Lindsay, Lynch, McFarland, Moore, Schmit, Warner, Mrs. Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 37, 240A, 409, 422, 465, 543, 678, and 678A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 37

The following changes, required to be reported for publication in the Journal, have been made:
ER6236

1. On page 3, line 12, the fourth comma has been struck and "and" inserted, "and" has been inserted after the fifth comma, and "seeds," has been struck; and in line 15 the comma has been struck and "the" has been inserted after "include".
2. On page 5, line 17, the last comma has been struck; and in line 23 the first comma has been struck and "includes" has been struck and "shall include" inserted.
3. On page 6, line 24, "are within" has been inserted after "additions" and "not" has been inserted after "are".
4. On page 8, line 9, "percent of" has been inserted after "plus".
5. On page 10, lines 18 and 19; and page 18, lines 7 and 22, the comma has been struck.
6. On page 17, line 17, the comma has been struck and shown as stricken.
7. On page 29, line 15; and page 32, line 18, "is" has been struck, shown as stricken, and "shall be" inserted.
8. On page 33, line 11, the comma has been struck and shown as stricken.
9. On page 35, line 6, "bears" has been struck, shown as stricken, and "shall bear" inserted.
10. On page 38, line 3, "to" has been struck, shown as stricken, and "for" inserted; and in line 15 "enter" has been inserted after "and".
11. On page 42, line 19, "General's office" has been struck and "General" inserted.
12. On page 43, lines 14 and 24, paragraphing has been inserted after the period.
13. In lieu of amendment 1 in the R. Johnson amendment, AM1975, and amendment 3 in the Standing Committee amendment, AM0289, on page 45, line 1, "Nebraska each calendar year" has been reinstated and ", except that any" has been inserted after the reinstated "year"; the matter beginning with "person" in line 1 through "If" in line 5 has been reinstated; and in line 5 "if" has been struck.

Enrollment and Review Change to LB 678

The following changes, required to be reported for publication in the Journal, have been made:
ER6237

1. In lieu of the Wesely amendment, FA342:

a. The following section has been inserted:

"Sec. 24. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof."; and

b. The remaining section has been renumbered as section 25.

2. In lieu of the Lamb amendment, FA341:

a. The following new sections have been inserted:

"Sec. 21. That section 71-1911, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1911. No person shall furnish or offer to furnish a program for ~~four~~ six or more children from different families without having in full force and effect a written license issued by the department upon such terms as may be prescribed by the rules and regulations adopted and promulgated by the department. A city, village, or county which has rules, regulations, or ordinances in effect on July 10, 1984, which apply to programs furnished for ~~two or three~~ five or fewer children from different families may continue to license providers of such programs. Any provider not covered by sections 71-1908 to 71-1918 may voluntarily subject himself, herself, or itself to coverage. Any person residing in and operating a small family day care home for five or fewer children in any county with a population of fewer than fifteen thousand inhabitants shall be exempt from the licensing requirement of this section.

All licenses issued under sections 71-1908 to 71-1918 shall expire two years from the date of issuance and shall be subject to renewal under such terms as may be prescribed by the rules and regulations of the department in effect at the time of the renewal. There shall be a twenty-five-dollar fee charged for the issuance or renewal of each license for providers with a daily average of less than thirty children and a fifty-dollar fee charged for the issuance or renewal of each license for providers with a daily average of thirty or more children.

The license fee shall be paid to the department which shall retain the fee, except that when a city, village, or county has adopted any rule, regulation, or ordinance which establishes standards for licensed providers pursuant to subsection (2) of section 71-1914 and conducts all necessary inspections of any licensed provider pursuant to such subsection, the department shall transmit the license fee paid by such provider to the city, village, or county conducting the inspections.

A license may be denied for cause, after notice and hearing, in accordance with such rules and regulations as may be adopted and promulgated by the department.

In order to assist the department in the performance of the duties prescribed in this section, the Legislature shall appropriate such funds as are necessary to the department to enable the department to employ four additional licensing specialists.

Sec. 22. That section 71-1914, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1914. (1) The department shall be the state's coordinating agency for regulating early childhood programs in this state in order to (a) provide efficient services pursuant to sections 71-1908 to 71-1918, (b) avoid duplication of services, and (c) prevent an unnecessary number of inspections of any program. The department may request cooperation and assistance from local and state agencies and such agencies shall promptly respond. The extent of an agency's cooperation may be included in the department's report to the Legislature pursuant to section 71-1917.

(2) A city, village, or county may adopt rules, regulations, or ordinances establishing physical well-being and safety standards for providers of programs whether or not such providers are subject to licensure under section 71-1911. If a city, village, or county adopts any rules, regulations, or ordinances establishing physical well-being and safety standards for providers subject to licensure under section 71-1911, (a) such rules, regulations, or ordinances shall be identical to the department's rules and regulations for licensed providers pursuant to sections 71-1908 to 71-1918, except that a city, village, or county which has rules, regulations, or ordinances in effect on July 10, 1984, which apply to programs furnished for ~~two or three~~ five or fewer children from different families may continue to license providers of such programs, and (b) the city, village, or county and the department shall coordinate the inspection and supervision of licensed providers to avoid duplication of inspections. A city, village, or county shall report any violation of its rules, regulations, or ordinances regulating providers subject to licensure to the director who may cause a written charge to be brought pursuant to section 71-1915. The city, village, or county may administer and enforce its rules, regulations, and ordinances establishing physical well-being and safety standards for providers of programs, except that the exclusive remedy for the violation of any rules, regulations, and ordinances regulating providers subject to licensure pursuant to section 71-1911 shall be by the director pursuant to section 71-1915.";

b. In the Smith amendment, AM2188, on page 3, line 13, ", 71-1911," has been inserted after "71-1910";

c. On page 20, line 7, "section 68-1206" has been struck and "sections 68-1206 and 71-1914" inserted; and

d. Original section 18 has been renumbered as section 23.

3. In the Smith amendment, AM2188, on page 3, line 8, "shall be" has been struck; and in line 12 "22" has been struck and "20" inserted.

4. On page 1, line 1, "section" has been struck and "sections" inserted; in line 2 "and 71-1914" has been inserted after "68-1206"; in line 3 "section" has been struck and "sections 71-1910, 71-1911, and" inserted; and in line 5 "and redefine" has been inserted after "define" and "fee" has been struck.

5. On page 2, line 5, "to provide caregiver-to-child ratios for licensed family day care homes; to change provisions relating to licensure of early childhood programs; to exempt certain small family day care homes from licensure as prescribed;" has been inserted after the semicolon; and in line 8 "to provide severability;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

ANNOUNCEMENTS

Mrs. Smith designates LB 1124 as her priority bill.

The Nebraska Retirement Systems Committee designates LB 953 as its priority bill.

The General Affairs Committee designates LB 863 as its priority bill.

Mr. Rogers designates LB 1004 as his priority bill.

The Chair announced today is Senator Carson Rogers' birthday.

GENERAL FILE

LEGISLATIVE BILL 81. Title read. Considered.

Standing Committee amendment, AM0885, found in the Journal on page 1154 for the Forty-Sixth Day, First Session, 1989, lost with 5 ayes, 13 nays, 9 present and not voting, and 22 excused and not voting.

Mr. Korshoj renewed his pending amendment, AM2332, found in the Journal on page 574.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Korshoj amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 163. Mr. Morrissey asked unanimous consent to bracket until February 7, 1990. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 369. Title read. Considered.

Standing Committee amendment, AM0272, found in the Journal on page 651 for the Twenty-Fourth Day, First Session, 1989, was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Lamb renewed his pending amendment, AM2221, printed separately from the Journal and referred to on page 492.

Mr. Lamb renewed his pending amendment, AM2257, found in the Journal on page 500, to his pending amendment, AM2221.

The Lamb amendment was adopted with 23 ayes, 0 nays, 15 present and not voting, and 11 excused and not voting.

The Lamb pending amendment, as amended, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Ms. Scofield withdrew her pending amendment, AM2220, found in the Journal on page 506.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 350. Title read. Considered.

Standing Committee amendment, AM0290, found in the Journal on page 681 for the Twenty-Fifth Day, First Session, 1989, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Goodrich renewed his pending amendment, AM2008, found in the Journal on page 168.

Mr. Goodrich moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Goodrich amendment was adopted with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 350A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 692. Title read. Considered.

Standing Committee amendment, AM0311, found in the Journal on page 682 for the Twenty-Fifth Day, First Session, 1989, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Weihing renewed his pending amendment, AM0356, found in the Journal on page 272.

The Weihing amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Mr. Chambers offered the following amendment:
FA352
1. Page 5, line 10, strike, “guilty of a felony and); lines 14, 15, strike, “guilty of a felony and”.
2. Page 6, line 3, strike “fifty”.

The Chambers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 956. Placed on Select File as amended.
E & R amendment to LB 956:
AM7117

1. In the Standing Committee amendments, AM2227, on page 34, line 9, strike the second comma.

2. On page 1, strike beginning with “banks” in line 1 through line 5 and insert “financial institutions; to amend sections 8-133, 8-1108.01, 8-1109.02, 8-1507, 8-1509, and 8-1510, Reissue Revised Statutes of Nebraska, 1943, sections 8-141, 8-902.03, 8-1506, and 8-1508, Revised Statutes Supplement, 1988, and sections 8-157, 8-1103, and 8-1111, Revised Statutes Supplement, 1989; to provide for securing deposits as prescribed; to provide an exception to loan limitations; to provide for the acquisition of eligible savings associations; to require bonds from trust companies; to change provisions relating to the application for a bank acquisition; to define terms; to change provisions relating to hearings of and orders by the Director of Banking and Finance; to change provisions relating to transactions exempt from registration; to change

provisions relating to the acquisition or merger of failing institutions; to provide operative dates; to repeal the original sections; and to declare an emergency.".

3. On page 3, line 4, strike "principle" and insert "principal".

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 980. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2311.)

LEGISLATIVE BILL 1021. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1069. Placed on General File as amended.
Standing Committee amendment to LB 1069:
AM2359

1. Insert the following new sections:

"Section 1. That section 44-4227, Revised Statutes Supplement, 1989, be amended to read as follows:

44-4227. Premium rates charged for pool coverage may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage. Rates shall directly relate to the coverage provided, risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age, sex, and area variation in claim costs in accordance with established actuarial and underwriting practices.

The pool shall determine the standard risk rate by calculating the average individual rate charged by the five insurers writing the largest amount of individual health insurance coverage in the state actuarially adjusted to be comparable with the pool coverage. In the event five insurers do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated risk experience and expenses for such coverage. The initial annual premium rate established for pool coverage shall not be more than one hundred thirty-five percent of rates established as applicable for individual standard risks, and subsequent annual pool rates shall not be less than one hundred twenty-five percent of the applicable standard risk rate. Commencing with calendar year 1990 the board shall not adjust or increase pool rates more than one time during any calendar year. In no event shall pool rates exceed one hundred ~~sixty-five~~ fifty-five percent of rates applicable to individual standard risks. All rates and rate schedules shall be submitted to the director for approval.

Sec. 3. That section 44-4230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-4230. The pool shall have a cause of action against a person insured by the pool for the recovery of the amount of benefits paid which are not for covered expenses. Benefits due from the pool may be reduced or refused as a setoff against any amount recoverable under this section. The pool shall have a right of subrogation to any payments made to a person insured by the pool by another person or his or her insurer on account of an injury caused by such other person's wrongful act or negligence.".

2. On page 2, line 18, after "section" insert "44-4230, Reissue Revised Statutes of Nebraska, 1943, and sections 44-4227 and"; and in line 19 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1230. Indefinitely postponed.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 1067. Placed on General File.

LEGISLATIVE BILL 688. Placed on General File as amended.
Standing Committee amendment to LB 688:
AM2354

1. Strike the original sections and insert the following new sections:

“Section 1. That section 71-6603, Revised Statutes Supplement, 1988, be amended to read as follows:

71-6603. (1) After January 1, 1989, no person shall act as a home health aide I or II unless such person:

~~(1)~~ (a) Is at least nineteen years of age;

~~(2)~~ (b) Is of good moral character;

~~(3)~~ (c) Has not been convicted of a crime under the laws of this state or another jurisdiction, the penalty for which is imprisonment for a period of more than one year and which is rationally related to the person’s fitness or capacity to act as a home health aide;

~~(4)~~ (d) Is able to speak and understand the English language or the language of the home health agency patient and the home health agency staff member who acts as the home health aide’s supervisor; and

~~(5)~~ (e) Meets one of the following qualifications:

~~(a)~~ (i) Has successfully completed a home health aide I training course or a home health aide II training course, or both, either prior to employment by a home health agency or within one hundred twenty days of employment by a home health agency;

~~(b)~~ (ii) Is a graduate of a practical or professional school of nursing;

~~(c)~~ (iii) Is a current nursing student who has completed a course in nursing which includes practical clinical experience in personal care;

~~(d)~~ (iv) Has successfully completed a basic resident care course for nursing assistants approved by the department as provided in section 71-6039 and has successfully completed an additional home health aide training course approved by the department; or

~~(e)~~ (v) Has successfully completed a course in another state or jurisdiction which is the substantial equivalent of a home health aide I or home health aide

II training course approved by the department.

(2) For persons providing routine health care maintenance procedures for persons with disabilities under the supervision of the attending physician on the effective date of this act, successful completion of any or all components of the home health aide I training course or the supplemental home health aide training may be waived by the department if the individual can demonstrate that he or she has received equivalent training from some other source. Until July 1, 1991, all persons performing routine health care maintenance procedures for persons with disabilities under the supervision of the attending physician without home health aide training shall not be in violation of the nursing scope of practice. For purposes of this subsection, routine health care maintenance procedures shall include, but not be limited to, intermittent catheterization, catheter irrigation, colostomy care, ileostomy care, diabetic monitoring, and gastrostomy tube feeding if, in the opinion of the attending physician, such procedures may be performed safely.

Sec. 2. That section 71-6610, Revised Statutes Supplement, 1988, be amended to read as follows:

71-6610. (1) The department shall approve training courses for home health aides I and II and for supplemental training for those persons who have successfully completed the basic resident care course for nursing assistants as provided in section 71-6039. The department may prescribe a curriculum for such training courses, including methods and materials, examination procedures, methods, and scoring, course content, teacher qualifications, and such other requirements as the department deems necessary to protect the health and welfare of the public. The department may approve courses of training developed by associations, educational institutions, home health agencies, or other entities so long as such training courses meet the criteria prescribed by the department. Course sponsors shall make application for course approval on forms provided by the department and shall submit the application fee prescribed by the department.

(2) Training courses shall include home health aide I training, home health aide II training,

and supplemental home health aide training for nursing assistants, which courses shall meet the following requirements:

(a) Home health aide I training shall consist of (i) a minimum of thirty hours of classroom training in the following subjects: Introduction of home care and home health aide services; basic skills and knowledge in home care; basic skills and knowledge in personal care; basic skills and knowledge in transfer and rehabilitation; and emergency care and first-aid skills and (ii) a competency evaluation program which requires an individual to demonstrate minimum acceptable proficiency in performing activities which are the subject of the training course;

(b) Home health aide II training shall consist of (i) a minimum of fifteen hours of classroom training in addition to the home health aide I training and shall include the following subjects: Basic skills and knowledge in observing the human body systems and functions; and basic skills and knowledge in treatments and procedures and (ii) a competency evaluation program which requires an individual to demonstrate minimum acceptable proficiency in performing activities which are the subject of the training course; and

(c) Supplemental home health aide training for nursing assistants shall consist of a minimum of thirteen hours of classroom training in addition to successful completion of the basic resident care course for nursing assistants provided in section 71-6039. Such training shall include the following subjects: Introduction to home care and home health aide services; basic skills and knowledge in home care; and adapting basic skills and knowledge in personal care and transfer and rehabilitation techniques in the home setting. Such training shall also include a competency evaluation program which requires an individual to demonstrate minimum acceptable proficiency in performing activities which are the subject of the training course. Supplemental home health aide training may include training in the provision of routine health care maintenance procedures for persons with disabilities.

(3) All training courses shall be administered by a Nebraska-licensed registered nurse who shall provide written verification to the individual of

successful completion of the training course.

(4) The department shall approve any changes in previously approved training courses. Course sponsors shall apply for reapproval on forms provided by the department and shall pay the application fee prescribed by the department.

Sec. 3. That original sections 77-6603 and 77-6610, Revised Statutes Supplement, 1988, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 923. Placed on General File as amended.
Standing Committee amendment to LB 923:
AM2371

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 5, strike "or" and insert an underscored comma; in line 7 after "less" insert ", or (c) any activities engaged in by telecommunications companies as defined in subdivision (12) of section 86-802 which affect less than two hundred sixty linear feet or less than one hundred sixty square feet and linear feet in any combination of asbestos-containing material on or in a structure or equipment or any appurtenances thereto".

(Signed) Don Wesely, Chairperson

MESSAGE FROM THE GOVERNOR

February 1, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 87, 257, 397, 486, 756, 534, 601, 730, 818, 819, and 820 were received in my office on January 26, 1990.

These bills were signed by me on February 1, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2365

(Amendments to AM2314)

1. On page 1, line 3, strike “one million five hundred” and insert “two hundred fifty”; and strike beginning with “At” in line 6 through “remaining” in line 12 and insert “If at least two hundred fifty thousand dollars are appropriated for purposes of this section, such”; in line 13 after “of” insert “a”; strike beginning with “plans” in line 14 through “plans” in line 15 and insert “plan by the state, and the plan”; in line 17 strike “plans” and insert “plan”; in line 18 strike “and”; and in line 19 strike “political subdivisions”.

2. On page 2, line 4, strike “The” and insert “If at least two hundred fifty thousand dollars are appropriated for purposes of this section, the”.

Mr. Wesely asked unanimous consent to print the following amendment to LB 610 in the Journal. No objections. So ordered.

AM2373

1. Insert the following new section:

“Section 1. That section 68-1038, Revised Statutes Supplement, 1989, be amended to read as follows:

68-1038. For purposes of sections 68-1038 to 68-1043:

(1) Assets shall mean property which is not exempt, under rules and regulations of the director, from consideration in determining eligibility for

medical assistance;

(2) Community spouse monthly income allowance shall mean the amount of income determined by the department in accordance with section 1924 of the Social Security Act, as amended, Public Law 100-360, 42 U.S.C. 1396r-5;

(3) Community spouse resource allowance shall mean the amount of assets determined in accordance with section 1924 of the Social Security Act, as amended, Public Law 100-360, 42 U.S.C. 1396r-5. For purposes of 42 U.S.C. 1396r-5(f)(2)(A)(i), the amount specified by the state shall be twelve thousand dollars;

(4) Department shall mean the Department of Social Services;

(5) Director shall mean the Director of Social Services;

(6) Home and community-based services shall mean services furnished under home and community-based waivers as defined in Title XIX of the Social Security Act, as amended, 42 U.S.C. 1396;

(7) Medical assistance shall mean assistance provided pursuant to the program established by section 68-1018;

(8) Qualified applicant shall mean a person (a) who applies for medical assistance on or after July 9, 1988, (b) who is under care in a state-licensed hospital, skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, domiciliary facility, residential care facility, or center for the developmentally disabled, as such terms are defined in section 71-2017.01, or an adult family home certified by the department or is receiving home and community-based services, and (c) whose spouse is not under ~~such care or receiving such services and~~ care in a state-licensed hospital, skilled nursing facility, intermediate care facility, or intermediate care facility for the mentally retarded or whose spouse is not residing with such person in a domiciliary facility, residential care facility, center for the developmentally disabled, or adult family home, and whose spouse is not applying for or receiving medical assistance;

(9) Qualified recipient shall mean a person (a) who has applied for medical assistance before July

9, 1988, and is eligible for such assistance, (b) who is under care in a facility certified to receive medical assistance funds under sections 68-1018 to 68-1036 or is receiving home and community-based services, and (c) whose spouse is not under ~~such care or receiving such services and~~ care in a state-licensed hospital, skilled nursing facility, intermediate care facility, or intermediate care facility for the mentally retarded or whose spouse is not residing with such person in a domiciliary facility, residential care facility, center for the developmentally disabled, or adult family home, and whose spouse is not applying for or receiving medical assistance; and

(10) Spouse shall mean the spouse of a qualified applicant or recipient.”.

2. On page 21, line 21, strike “and”; and in line 22 after the last comma insert “and section 68-1038, Revised Statutes Supplement, 1989,”.

3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Governor Appointment Monday, February 12, 1990 12:00 Noon
Jim Murphy - Public Employees Retirement Board

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 692. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 seventh grade students and teacher from David City Aquinas; Wendy McCarty from Grand Island, Marilyn Retzlaff from Palmer, and Collette Shanghnessy from St. Paul; six kindergarten through sixth grade students and teacher from Plattsmouth; Keith Ellis from McCook; eight students and sponsors from Sidney Public Schools; Russ Van Vleet and Jeffrey A. Butts from the University of Michigan, and Judge Sharon McCully from

Salt Lake City, Utah; and Adm. L. A. Snead from Palm Beach Garden, Florida.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. McFarland, the Legislature adjourned until 9:00 a.m., Friday, February 2, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 2, 1990

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 2, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 2, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Harry Walles, Faith United Methodist, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Baack, Bernard-Stevens, Chambers, Conway, Coordsen, Hall, R. Johnson, Korshoj, Kristensen, Landis, Lindsay, Moore, Morrissey, Schmit, Warner, Withem, Mrs. Robak, and Ms. Scofield were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolution and bills were correctly engrossed: LR8CA, LBs 50, 143, 503, 503A, 720, and 720A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LR 8CA

The following changes, required to be reported for publication in the Journal, have been made:
ER6242

1. On page 2, line 24, "Judge" has been struck, shown as stricken, and "judge" inserted.

Enrollment and Review Change to LB 50

The following changes, required to be reported for publication in the Journal, have been made:
ER6241

1. In the E & R amendment, AM7103, amendment 5 has been struck and the remaining amendments renumbered.

Enrollment and Review Change to LB 143

The following changes, required to be reported for publication in the Journal, have been made:
ER6239

1. In the Baack amendment, AM2255:

a. On page 4, line 24; and page 5, line 17, "section 3 of this act" has been struck and "such section" inserted;

b. On page 5, the matter beginning with "a" in line 10 through "multiplying" in line 11 has been struck and "an amount determined by calculating the product of the percentage of average costs as provided in subsection (4) of this section multiplied by" inserted; in line 12 "reported" has been inserted after "per"; and in line 14 "multiplied" has been inserted after "act"; and

c. On page 6, line 1, "prescribed" has been struck and "to be used" inserted; and in lines 5 and 6 "Standard Deviation" has been struck and "Number of Standard Deviations" inserted.

2. On page 1, line 3, "to state intent; to provide for equalization aid; to provide duties;" has been inserted after the semicolon; and in line 5 "appropriated by the Legislature; to provide a duty for the Revisor of Statutes" has been inserted after "funds".

Enrollment and Review Change to LB 503A

The following changes, required to be reported for publication in the Journal, have been made:
ER6240

1. In the Goodrich amendment, AM0982:

a. On page 1, line 9, strike "First" and insert "Second"; and in line 10 strike "1989" and insert "1990"; and

b. On page 2, strike lines 2 through 4.

Enrollment and Review Change to LB 720

The following changes, required to be reported for publication in the Journal, have been made:
ER6238

1. On page 1, line 3, "a duty" has been struck and "duties" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Elmer asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

AM2376

1. In the Lamb amendment, AM2221:

a. Insert the following new sections:

"Sec. 5. That section 60-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-103. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new motor vehicle, commercial trailer, semitrailer, or cabin trailer to a dealer to be used by such dealer for purposes of display and resale without (1) delivering to such dealer a manufacturer's or importer's certificate duly executed in accordance with the provisions of ~~this act.~~ sections 60-102 to 60-117 and with such assignments thereon as may be necessary to show title in the purchaser thereof and (2) having affixed to the vehicle, pursuant to section 60-105, its vehicle identification number if it is not already affixed; nor shall such dealer purchase or acquire a new motor vehicle, commercial trailer, semitrailer, or cabin trailer without obtaining from the seller thereof such manufacturer's or importer's certificate. On ~~;~~ ~~PROVIDED, that on~~ any motor vehicle which is to be used for taxi service, the application and the certificate of title shall show on the face thereof that such vehicle is being used or has been used as a taxi and such subsequent certificates of title shall show the same information.

Sec. 6. That section 60-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-104. No person, except as provided in section 60-103, shall sell or otherwise dispose of a motor vehicle, commercial trailer, semitrailer, or cabin trailer without (1) delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser and (2) having affixed to the vehicle, pursuant to section 60-105, its vehicle identification number if it is not already affixed, nor purchase or otherwise acquire or bring into this state a motor vehicle, commercial trailer, semitrailer, or cabin trailer except for temporary use.

No purchaser or transferee shall receive a certificate of title which does not contain such assignment as may be necessary to show title in the purchaser or transferee. Possession ~~, and possession~~ of a title which does not meet this requirement shall be prima facie evidence of a violation of this provision, ~~;~~ and such purchaser or transferee, upon conviction, shall be subject to the penalties provided by section 60-117.

No motor vehicle, commercial trailer, semitrailer, or cabin trailer shall be eligible for initial registration in this state unless the provisions of ~~this act~~ sections 60-102 to 60-117 have been complied with insofar as ~~said~~ the motor vehicle, commercial trailer, semitrailer, or cabin trailer ~~are~~ is concerned.";

b. On page 32, line 11, strike "and" and before "Reissue" insert "60-103, and 60-104,"; and

c. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointment Monday, February 12, 1990 1:30 p.m.
Jon McCafferty - State Electrical Board

(Signed) Jacklyn Smith, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 1, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

DeCamp Legal Services, P.C.	
DeCamp, John W. - Lincoln	Nebraska Ethanol Corporation
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Medeo Containment Services
Hall, Larry M. - Lincoln	Nebraska Farmers Union (Withdrawn 90/01/01)
Moors, H. Jack - Lincoln	Adams County Ag Society/Queen City Downs (Withdrawn 90/01/17)
Ptacek, Patrick J. - Lincoln	R. A. Skochdopole
Trimpey, Joan L. - Omaha	Nebraska Dental Assistant's Association

REPORT

Received report from the Department of Social Services for the Social Services Block Grant, Community Services Block Grant, and the Low-Income Energy Assistance Block Grant pursuant to Section 29(1)(a) of Legislative Bill 813, Ninety-First Legislature, First Session.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 821.

A BILL FOR AN ACT relating to counties; to amend sections 22-408, 23-1505, 23-1704.01, 23-1720, 23-1901, 24-534, 25-2215, 25-2216, 25-2217, 32-308, 32-310, 32-310.01, 33-118, 65-101, 77-366, 77-403, 77-404, 77-406, 77-407, 77-423, 77-426, 77-428, 77-1311, 79-311, 79-311.10, 79-312, 79-315, 79-316, 79-317, 79-319, 79-320, 79-320.01, 84-801, 84-802, 84-803, 84-807, 84-808, and 84-809, Reissue Revised Statutes of Nebraska, 1943, sections 77-115, 77-401, 77-408, 77-409, 77-410, 77-412, 77-412.01, 77-429, 77-430, and 77-1318, Revised Statutes Supplement, 1988, and sections 77-401.02 and 79-314, Revised Statutes Supplement, 1989; to transfer and combine provisions relating to county clerks, registers of deeds, treasurers, sheriffs, surveyors, assessors, and superintendents and deputies of county officials; to eliminate a provision relating to assessment of property on and after January 1, 1970, and continuation in office of an assessor in office on such date; to harmonize provisions; and to repeal the original sections, and also sections 77-1341 and 79-313, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Lamb
Langford
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Baack
Chambers
Hall
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 822.

A BILL FOR AN ACT relating to courts; to amend sections 5-105, 5-109, 24-501, 24-502, 24-503, 24-511, 24-514, 24-810, 24-1002, 25-21,205, 29-1804, 29-1804.03 to 29-1804.05, 29-1804.07 to 29-1804.13, 29-1805.01 to 29-1805.10, 29-1824 to 29-1828, 32-513, 65-101, and 83-1017, Reissue Revised Statutes of Nebraska, 1943; to transfer provisions relating to judicial districts, public defenders, appointed counsels, and administration of oaths; to change references to transferred and repealed statutes; to change coverage of a statement of claims to reflect annual legislative sessions; to eliminate provisions providing when a 1963 salary change was effective, ratifying the exercise of jurisdiction after January 1, 1973, until September 2, 1977, providing for the transfer of causes pending in and records of certain courts in 1973 and 1985, defining terms, and providing when certain sections were operative; to harmonize provisions; and to repeal the original sections, and also sections 24-301.06, 24-517.02, 24-591, 29-1804.14, and 29-1805.11, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Baack
Chambers
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 399.

A BILL FOR AN ACT relating to criminal procedure; to amend section 47-401, Reissue Revised Statutes of Nebraska, 1943; to authorize the use of house arrest for certain crimes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Baack
Chambers
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 823.

A BILL FOR AN ACT relating to employees; to amend sections 24-619 and 24-620, Reissue Revised Statutes of Nebraska, 1943; to transfer provisions relating to certain trusts and plans created by employers for the benefit of employees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Baack
Chambers
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 824.

A BILL FOR AN ACT relating to state agencies; to amend section 24-604.01, Reissue Revised Statutes of Nebraska, 1943; to transfer a provision relating to holding and evidencing securities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing

Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Baack
Chambers
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 825.

A BILL FOR AN ACT relating to public depositories; to amend section 17-720, Reissue Revised Statutes of Nebraska, 1943; to implement a duty of the Revisor of Statutes by changing provisions relating to the investment of public funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Baack
Chambers
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 826.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 2-15,108, Reissue Revised Statutes of Nebraska, 1943, and section 37-1408, Revised Statutes Supplement, 1989; to correct and harmonize internal references to the secretary of the commission; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Weihing

Excused and not voting, 8:

Baack
Chambers
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 827.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,128, Revised Statutes Supplement, 1989; to change a reference to a motorcycle operator's license or permit to harmonize with the classification of licenses made by Laws 1989, LB 285; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Crosby
Rogers

Excused and not voting, 8:

Baack
Chambers
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 828.

A BILL FOR AN ACT relating to public health; to amend sections 71-1,187, 71-1,188, 71-1522, 71-1527, 71-1528, 71-1537, 71-1539, 71-1551, and 71-1554, Reissue Revised Statutes of Nebraska, 1943; to change internal references as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Baack
Hall
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2020 and 29-3004, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to repealed sections; to harmonize provisions with prior acts of the Legislature relating to requesting a bill of exceptions and to compensation of attorneys in postconviction proceedings; to eliminate a provision providing for the payment of the costs of incarceration by certain prisoners which terminated on July 1, 1988; and to repeal the original sections, and also section 29-1006, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Baack
Kristensen
Labedz
Landis
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 821, 822, 399, 823, 824, 825, 826, 827, 828, and 829.

MOTION - Return LB 187 to Select File

Mr. Lynch moved to return LB 187 to Select File for his specific amendment, AM2000, found in the Journal on page 249.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lynch motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 187. The Lynch specific amendment, AM2000, found in the Journal on page 249, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for re-engrossment.

WITHDRAW - Amendment to LB 187

Mr. Lynch withdrew his pending amendment, AM2308, found in the Journal on page 604, to LB 187.

MOTION - Return LB 187A to Select File

Mr. Lynch moved to return LB 187A to Select File for his specific amendment, AM2358, found in the Journal on page 604.

The Lynch motion to return prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 187A. The Lynch specific amendment, AM2358, found in the Journal on page 604, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for re-engrossment.

WITHDRAW - Amendment to LB 187A

Mr. Lynch withdrew his pending amendment, AM2001, found in the Journal on page 244, to LB 187A.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 240 to Select File

Mr. Baack moved to return LB 240 to Select File for his specific amendment, AM2276, found in the Journal on page 537.

The Baack motion to return prevailed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 240. The Baack specific amendment, AM2276, found in the Journal on page 537, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for re-engrossment.

WITHDRAW - Amendment to LB 240

Mr. Baack withdrew his pending amendment, AM2173, found in the Journal on page 453, to LB 240.

MOTION - Return LB 240 to Select File

Mr. Hall moved to return LB 240 to Select File for the following specific amendment:
AM2380

(Amendments to Final Reading copy)

1. In the Baack amendment, AM2276:

a. On page 5, line 17, strike "(1)"; and strike beginning with the comma in line 18 through the comma in line 20: and

b. On page 6, strike lines 9 through 12.

The Hall motion to return prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 240. The Hall specific amendment, AM2380, found in this day's Journal, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for re-engrossment.

MOTION - Return LB 240 to Select File

Mr. Hall moved to return LB 240 to Select File for the following specific amendment:
FA353

(To Final Reading Copy)

1. On page 3, strike line 13

2. In the Baack amendment AM 2276, on page 4, strike from "Service" on line 21 through the period on line 23.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 240. The Hall specific amendment, FA353, found in this day's Journal was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for re-engrossment.

MOTION - Return LB 465 to Select File

Mr. Chambers moved to return LB 465 to Select File for his specific amendment, AM2323, found in the Journal on page 557.

MR. HANNIBAL PRESIDING

The Chambers motion to return prevailed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 465. The Chambers specific amendment, AM2323, found in the Journal on page 557, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for re-engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 2, 1990, at 10:45 a.m., were the following bills: 821, 822, 399, 823, 824, 825, 826, 827, 828, and 829.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

I move to return LB 187 to Select File for a specific amendment:
FA354

Strike the enacting clause.

ANNOUNCEMENT

The Transportation Committee designates LB 980 as its priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 249. Introduced by Scofield, 49th District; Dierks, 40th District.

WHEREAS, confusion and ignorance about Nebraska geography, as illustrated by the misuse of the term outstate Nebraska to describe those areas beyond the city limits of Omaha and Lincoln, is rampant and appear to be on an upward trend; and

WHEREAS, the use of the term outstate Nebraska is offensive and incomprehensible to those citizens of Nebraska who actually live beyond the city limits of Omaha and Lincoln; and

WHEREAS, greater understanding and harmony among our citizens is in the best interest of all Nebraskans; and

WHEREAS, the efforts to find a term to substitute for outstate have produced nothing better than greater Nebraska (which implies some part of the state is lesser Nebraska); and

WHEREAS, all loyal Nebraskans have an obligation to know the geography of the state; and

WHEREAS, all members of the Legislature, state employees, and other representatives of the state who serve on boards or commissions or in other official capacities have a particular obligation to know the names and location of Nebraska's communities from Havelock to Harrison, from Benson to Benkleman, and from Auburn to Ainsworth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the terms outstate Nebraska, greater Nebraska, and lesser Nebraska be permanently stricken from the vocabulary of Nebraska's citizens and that all citizens be encouraged to familiarize themselves with the geography and communities of the entire beautiful state of Nebraska so they may more precisely refer to all areas of the state in a manner that promotes statewide understanding.

2. That members of the Legislature, constitutional officers, state employees, and any other persons who represent the people of Nebraska in an official capacity lead the way in eliminating the imprecise, divisive terms of outstate Nebraska, greater Nebraska, and lesser Nebraska from the language of Cornhusker.

3. That after the adoption of this resolution any member of the Legislature, constitutional officer, state employee, or member of a board or commission should be put on notice that he or she may immediately, upon the utterance or writing of the terms outstate Nebraska, greater Nebraska, or lesser Nebraska, be fined fifty dollars in cash by any citizen of Nebraska, to be donated to that citizen's favorite charity.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 708. Mr. McFarland offered the following amendment:
FA355
by striking Section 8 and renumbering the remaining sections accordingly, and in lines 18 and 19 of page 5 by striking the words "sections 7 and 8" and inserting the words "section 7".

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The McFarland amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Haberman and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 831. Placed on General File.
LEGISLATIVE BILL 932. Placed on General File.
LEGISLATIVE BILL 1219. Placed on General File.

LEGISLATIVE BILL 952. Placed on General File as amended.
Standing Committee amendment to LB 952:

AM2366

1. On page 2, line 1, strike "January" and insert "March".

LEGISLATIVE BILL 1028. Placed on General File as amended.
Standing Committee amendment to LB 1028:
AM2352

1. On page 18, strike beginning with "taxpayer" in line 4 through the comma in line 6 and insert "industry group,".
2. On page 19, strike beginning with "(n)" in line 4 through "(o)" in line 5 and insert "and (n)"; and strike beginning with the comma in line 6 through "relevant" in line 7.

LEGISLATIVE BILL 750. Indefinitely postponed.
LEGISLATIVE BILL 794. Indefinitely postponed.
LEGISLATIVE BILL 841. Indefinitely postponed.
LEGISLATIVE BILL 861. Indefinitely postponed.
LEGISLATIVE BILL 881. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2385

1. On page 22, line 16, strike "The" and insert "Except as provided in section 16 of this act for school years 1990-91, 1991-92, and 1992-93, the".
2. On page 23, line 11, strike "year" and insert "years" and after the comma insert "1991-92, and 1992-93,".

Mr. McFarland asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM2367

1. Insert the following new section:

"Section 1. That section 79-1509.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1509.02. All school employees not required to hold a certificate, diploma, or credentials to practice in a professional capacity who had previously elected not to be included in the school retirement system pursuant to section 79-1509 may, after ~~January 1, 1978, and prior to July 1, 1978~~ the effective date of this act and prior to January 1, 1991, file with the retirement board an election to be included in the membership of the retirement system. Such a school employee may buy credit for any number of prior years of service as such school employee not to exceed the amount of contribution which would have been paid into the system based on the salary and years of service as a school employee, plus the interest on that amount which would have accrued under the retirement system. Any school employee who pays such amount shall be given credit for any number of years of service he or she has elected to pay for, not to exceed the number of years such employee served prior to January 1, 1991. This section shall not apply to school employees retiring prior to the effective date of this act. ~~, but such employees shall be treated as new employees and no prior service credit shall be granted.~~".

2. On page 4, line 6, strike 'section" and insert "sections 79-1509.02 and"; and in line 7 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 164 in the Journal. No objections. So ordered.

AM2160

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. (1) The Nebraska State Historical Society shall acquire, without cost to the state, clear title in the name of the State of Nebraska to all the real and personal property known as Joslyn Castle. The society shall enter into agreements for the operation, administration, and maintenance of Joslyn Castle and may accept gifts, grants, and bequests for such purposes.

(2) The real property known as Joslyn Castle authorized to be acquired in subsection (1) of this section is described as follows: Tax lot 4 and the west

522.34 feet (sometimes indicated on a plat as 522.72 feet), more or less, of lot 46, Stewart Place, an addition to the City of Omaha, as surveyed, platted, and recorded, being all of that portion of such lot adjoining tax lot 4 on the north, all being located within the northwest quarter of the northeast quarter of section 20, township 15, north of range 13 east of the 6th principal meridian, Douglas County, Nebraska; and lots 53, 54, 55, 56, and 57 and a strip 20 feet in width adjoining lot 57 on the north, being a part (sometimes indicated on a plat as 108.75 feet in length, east and west, adjoining on the east the aforesaid 522.72 feet strip) of lot 46, all in Stewart Place, an addition to the City of Omaha, as surveyed, platted, and recorded, and sublot 3 of tax lot 17, except the east 15 feet thereof deeded to the City of Omaha for 38th Avenue, all being located within the northeast quarter of the northeast quarter of section 20, township 15, north of range 13 east of the 6th principal meridian, Douglas County, Nebraska, such tract being all of the property bounded by Davenport Street on the south, 40th Street on the west, Chicago Street on the north, and 38th Avenue on the east, in Omaha, Douglas County, Nebraska.".

Mr. Withem asked unanimous consent to print the following amendment to LB 843 in the Journal. No objections. So ordered.

AM2345

(Amendments to Standing Committee amendments, AM2225)

1. Insert the following new amendment:

"4. On page 10, line 4, after 'graduation' insert an underscored comma and strike 'or' and show as stricken; in line 5 after 'district' insert ', or transfer to a private or parochial school'; in line 14 after 'district' insert an underscored comma and strike 'or' and show as stricken; and in line 16 after 'year' insert ', or transfers to a private or parochial school'.".

2. Renumber original amendment 4 as amendment 5.

Mr. Moore asked unanimous consent to print the following amendment to LB 925 in the Journal. No objections. So ordered.

AM2379

1. On page 2, line 17, after "any" insert "topical ocular or".

Messrs. Wesely and Schmit asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

AM2384

1. Insert the following new sections:

"Sec. 6. That section 8-901, Revised Statutes Supplement, 1988, be amended to read as follows:

8-901. Sections 8-901 to 8-904 and sections 8 to 11 of this act shall be known and may be cited as the Bank Holding Company Act of 1963.

Sec. 7. That section 8-902, Revised Statutes Supplement, 1988, be amended to read as follows:

8-902. ~~As used in~~ For purposes of the Bank Holding Company Act of 1963, unless the context otherwise requires:

(1) Bank shall mean any national bank doing business in this state or any bank which is chartered to conduct a bank in this state as provided by sections 8-115 and 8-116;

(2) Company shall mean any corporation, business trust, association, or similar organization but shall not include:

(a) An individual;

(b) Any partnership; or

(c) Any corporation, the majority of shares of which are owned by the United States or any state;

(3) (a) Bank holding company shall mean any company:

(i) Which directly or indirectly owns or controls twenty-five percent or more of the voting shares of each of two or more banks;

(ii) Which controls in any manner the election of the majority of the directors of each of two or more banks; or

(iii) For the benefit of whose shareholders or members twenty-five percent or more of the voting shares of each of two or more banks or a bank holding company ~~is~~ are held by trustees.

(b) Notwithstanding the foregoing:

(i) No estate, trust, guardianship, or conservatorship or fiduciary thereof shall be a bank holding company by virtue of its ownership or control of shares of stock of banks as herein defined if such trust is not a business trust or voting trust. It shall be unlawful for any such estate, trust, guardianship, or conservatorship to acquire, by purchase, ownership or control of twenty-five percent or more of the shares of any additional bank;

(ii) No company shall be a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of bank shares and which are held only for such period of time as will permit the sale thereof on a reasonable basis; and

(iii) No company shall be a bank holding company by virtue of its ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith;

(4) Nebraska bank shall mean a bank which, on and after January 1, 1990, (a) has its principal office located in Nebraska, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of its total deposits in Nebraska, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska;

(5) Nebraska bank holding company shall mean a bank holding company which, on and after January 1, 1990, (a) has its principal office located in Nebraska, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of all of its subsidiaries in Nebraska, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska;

(6) Regional out-of-state bank shall mean a bank which, on and after January 1, 1990, (a) has its principal office located in one of the north-central states, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of its total deposits in one or more of the north-central states, and

(c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska or one of the north-central states;

(7) Regional out-of-state bank holding company shall mean a bank holding company which, on and after January 1, 1990, (a) has its principal office located in one of the north-central states, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of all of its subsidiaries in one or more of the north-central states, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska or one of the north-central states; ~~and~~

(8) North-central states shall mean the states of Wisconsin, Minnesota, North Dakota, Montana, South Dakota, Wyoming, Colorado, Kansas, Iowa, and Missouri; and

(9) Director shall mean the Director of Banking and Finance.

Sec. 8. The director shall require each regional out-of-state bank holding company or subsidiary thereof to file an annual report which describes the manner in which the community investment needs of the community served by the bank holding company or its subsidiary have been met. The director may accept reports filed by such bank holding company under the federal Community Reinvestment Act of 1977 to fulfill the requirements of this section.

Sec. 9. The director shall develop a rating system for regional out-of-state bank holding companies or subsidiaries thereof. The rating system shall measure the performance of each such bank holding company or its subsidiary in meeting the community investment needs of the community it serves and shall set minimum standards for meeting such needs.

Sec. 10. On or after January 1, 1992, a regional out-of-state bank holding company or its subsidiary which fails to meet minimum community investment standards set by the director shall not be eligible for deposit of public funds authorized by section 72-1263.

Sec. 11. The director shall adopt and promulgate rules and regulations to carry out sections 8 to 11 of this act.

Sec. 13. That section 8-902.05, Revised Statutes Supplement, 1988, be amended to read as follows:

8-902.05. Sections 8-902.03 and 8-902.04 and sections 8 to 11 of this act shall not apply to any out-of-state bank holding company, as defined in 12 U.S.C. 1842(d) as it existed on August 26, 1983, ~~and~~ which on March 12, 1963, owned at least two banks in this state.".

2. In the Standing Committee amendments, AM2227:

a. On page 40, line 19, strike "7 to 10, and 19" and insert "6 to 11, 13 to 17, and 26"; and

b. On page 41, line 2, strike "section 8-141" and insert "sections 8-141, 8-901, 8-902, and 8-902.05".

3. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 250. Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the salaries of teachers in Nebraska's public school system. In 1989, the Legislature enacted Legislative Bill 89, the Help Education Lead to Prosperity Act, which demonstrated an intent to promote quality education through a highly qualified and well compensated teaching profession. Legislative Bill 89 provided for twenty million dollars in state assistance directed to school districts which made an effort to financially reward qualified and prepared teachers. Funding for Legislative Bill 89 is provided through 1991. This study shall assess the impact of Legislative Bill 89 on the compensation of the teaching profession in the State of Nebraska. In making such assessment the study shall include a comparison of the support other state governments provide their teachers in terms of salary, fringe benefits, retirement benefits, educational preparation, qualifications, and degrees and student to teacher ratios. The study shall address the affect of Legislative Bill 89 on Nebraska's standing in the comparison, any issues arising regarding the implementation of the bill and the distribution of funds, the attraction and employment and compensation of new teachers, and the establishment of a base salary. The study shall establish a profile of the teachers who have and have not benefitted from Legislative Bill 89 and shall include an analysis of the distribution formula's impact on the compensation of teachers throughout the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 902A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 902, Ninety-first Legislature, Second Session, 1990.

ANNOUNCEMENT

Mr. Kristensen designates LB 42 as his priority bill.

REPORT

Pursuant to Rule 8, Section 3, the Appropriations Committee Report summarizing the recommended General Fund appropriation/and adjustments for each year of the biennium, has been filed with the Clerk of the Legislature and copies distributed to members of the Legislature.

ADJOURNMENT

At 12:06 p.m., on a motion by Mrs. Langford, the Legislature adjourned until 9:00 a.m., Monday, February 5, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 5, 1990

LEGISLATIVE JOURNAL

TWENTY-SECOND DAY - FEBRUARY 5, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 5, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Senator Carson Rogers.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Haberman, R. Johnson, Lindsay, and Mrs. Labedz who were excused; and Messrs. Baack, Hall, Hartnett, L. Johnson, Lamb, Lynch, McFarland, Schmit, Warner, Withem, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 81. Placed on Select File as amended.
E & R amendment to LB 81:
AM7118

1. On page 1, line 2, strike “sections 31-408 to” and insert “section”; strike beginning with “to” in line 5 through the second semicolon in line 6; and in line 7 strike “sections” and insert “section”.

LEGISLATIVE BILL 369. Placed on Select File as amended.
E & R amendment to LB 369:
AM7122

1. In the Lamb amendment, AM2221:

a. On page 1, line 8, after the first comma insert "any"; and in lines 8 and 11 reinstate the stricken "any";

b. On page 5, line 24, strike "a headlamp or lamps", show as stricken, and insert "one or more headlamps";

c. On page 6, lines 8, 11, and 13, strike "lamps", show as stricken, and insert "headlamps";

d. On page 7, line 23, strike "such vehicles' speed limit", show as stricken, and insert "the speed limit for such vehicles";

e. On page 11, line 2, reinstate the stricken commas; in lines 10, 14, and 19 insert paragraphing before the left-hand parenthesis; and in lines 15 and 19 strike "combines", show as stricken, and insert "Combines";

f. On page 12, lines 6, 16, and 20; and page 13, lines 13, 15, 19, and 23, insert paragraphing after the stricken comma;

g. On page 12, line 6, strike "combines", show as stricken, and insert "Combines"; in line 16 strike "farm", show as stricken, and insert "Farm"; and in line 20 strike "alfalfa", show as stricken, and insert "Alfalfa";

h. On page 13, line 13, strike "livestock", show as stricken, and insert "Livestock"; in line 15 strike "during" and insert "During"; in line 18 strike the underscored comma; in line 19, strike "mobile", show as stricken, and insert "Mobile"; and in line 23 strike the first "a", show as stricken, and insert "A";

i. On page 14, line 23, insert paragraphing after "or" and strike "vehicles", show as stricken, and insert "Vehicles"; and

j. On page 28, line 18, after "and" insert "a".

2. On page 1, strike beginning with "motor" in line 1 through line 4 and insert "vehicles; to amend sections 39-666, 39-6,177, and 39-6,180, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,100 and

60-301, Revised Statutes Supplement, 1989; to change and eliminate provisions relating to livestock forage vehicles; to provide an exception for overwidth vehicles as prescribed; to change provisions relating to the maximum gross load of certain vehicles; to redefine terms; and to repeal the original sections.”.

LEGISLATIVE BILL 350. Placed on Select File as amended.
E & R amendment to LB 350:
AM7120

1. On page 1, line 4, after the third comma insert “81-885.20,”; and in line 12 after the semicolon insert “to change provisions relating to fees; to delete provisions relating to reexamination;”.

2. On page 2, strike beginning with “to” in line 5 through the semicolon in line 6.

LEGISLATIVE BILL 350A. Placed on Select File as amended.
E & R amendment to LB 350A:
AM7121

1. On page 1, line 4, strike “First Session, 1989” and insert “Second Session, 1990”.

2. On page 2, lines 3 and 11 and 12, strike “the period July 1, 1989, to June 30, 1990,” and insert “FY1990-91”; in lines 5 and 12 and 13 strike “the period July 1, 1990, to June 30, 1991” and insert “FY1991-92”; and in line 8, strike “First Session, 1989” and insert “Second Session, 1990”.

LEGISLATIVE BILL 692. Placed on Select File as amended.
E & R amendment to LB 692:
AM7119

1. On page 2, line 8, after the first comma insert “or”; and in line 20 reinstate the stricken comma.

(Signed) John C. Lindsay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 249. Read. Considered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

LR 249 was adopted with 14 ayes, 4 nays, and 31 not voting.

MR. HANNIBAL PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1050. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1004. Title read. Considered.

Standing Committee amendment, AM2296, found in the Journal on page 567 for the Eighteenth Day, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 863. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 980. Title read. Considered.

Standing Committee amendment, AM2311, printed separately from the Journal and referred to on page 620 for the Twentieth Day, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 164. Title read. Considered.

Standing Committee amendment, AM0933, found in the Journal on page 1288 for the Fifty-First Day, First Session, 1989, was considered.

Mr. Ashford offered the following amendment to the pending Standing Committee amendment:
AM2405

(Amendments to Standing Committee amendments, AM0933)

1. Strike amendment 1 and insert the following new amendment:

“1. Strike the original sections and all amendments thereto and insert the following new section:

‘Section 1. (1) The Nebraska State Historical Society shall acquire, without cost to the state, clear title in the name of the State of Nebraska to all the real and personal property known as Joslyn Castle. The society shall enter into agreements for the operation, administration, and maintenance of Joslyn Castle and may accept gifts, grants, and bequests for such purposes.

(2) The real property known as Joslyn Castle authorized to be acquired in subsection (1) of this section is described as follows: Tax lot 4 and the west 522.34 feet (sometimes indicated on a plat as 522.72 feet), more or less, of lot 46, Stewart Place, an addition to the City of Omaha, as surveyed, platted, and recorded, being all of that portion of such lot adjoining tax lot 4 on the north, all being located within the northwest quarter of the northeast quarter of section 20, township 15, north of range 13 east of the 6th principal meridian, Douglas County, Nebraska; and lots 53, 54, 55, 56, and 57 and a strip 20 feet in width adjoining lot 57 on the north, being a part (sometimes indicated on a plat as 108.75 feet in length, east and west, adjoining on the east the aforesaid 522.72 feet strip) of lot 46, all in Stewart Place, an addition to the City of Omaha, as surveyed, platted, and recorded, and sublot 3 of tax lot 17, except the east 15 feet thereof deeded to the City of Omaha for 38th Avenue, all being located within the northeast quarter of the northeast quarter of section 20, township 15, north of range 13 east of the 6th principal meridian, Douglas

County, Nebraska, such tract being all of the property bounded by Davenport Street on the south, 40th Street on the west, Chicago Street on the north, and 38th Avenue on the east, in Omaha, Douglas County, Nebraska.'.".

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

The Ashford amendment was adopted with 22 ayes, 0 nays, 19 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Ashford withdrew his pending amendment, AM2160, found in the Journal on page 650.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

MOTION - Suspend Rules

Mr. Schmit moved to suspend the rules, Rule 3, Section 13, to permit cancellation of the public hearing on LB 1231.

The Schmit motion to suspend the rules prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 708. Mr. Chambers offered the following amendment:
FA356
Add new section: "This act shall be in force and take effect on July 1, 1991"

Messrs. Hefner and Schmit asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Messrs. Lynch, Byars, Coordsen, Rogers, and Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Ashford
Baack
Bernard-Stevens
Chambers
Conway
Dierks
Hall
Hartnett
Korshoj
Kristensen
Lamb
Landis
Morrissey
Schimek
Scofield
Smith
Wehrbein
Withem

Voting in the negative, 9:

Abboud
Beck
Elmer
Johnson, L.
Langford
McFarland
Robak
Schellpeper
Warner

Present and not voting, 9:

Barrett
Beyer
Crosby
Goodrich
Hannibal
Moore
Peterson
Pirsch
Weihing

Excused and not voting, 13:

Byars
Chizek
Coordsen
Haberman
Hefner
Johnson, R.
Labedz
Lindsay
Lynch
Nelson
Rogers
Schmit
Wesely

Failed to advance to E & R for review with 18 ayes, 9 nays, 9 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 1231	Wednesday, February 7, 1990 (cancel)	1:30 p.m.
LB 1231	Friday, February 16, 1990 (reset)	1:30 p.m.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Speaker Barrett announced LB 1032 as a priority bill.

UNANIMOUS CONSENT - **Print in Journal**

Mr. Rogers asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

AM2398

1. On page 14, after line 2 insert "All testing done pursuant to the program shall be performed by an accredited veterinarian, except that this shall not restrict an employee of the state or federal government in the performance of his or her duties under the Pseudorabies Control and Eradication Act or federal law.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 520A in the Journal. No objections. So ordered.

AM2362

1. In the Schellpeper amendment, AM2163, on page 1, line 14, strike "$120,000" and insert "$60,000".

UNANIMOUS CONSENT - **Add Co-Introducer**

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 164. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 members of the Nebraska LEAD group from across the state; and students and sponsor from Chadron State College.

ADJOURNMENT

At 12:17 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 6, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 6, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Byars and Mrs. Labedz who were excused; and Messrs. Abboud, Baack, Chizek, Conway, Haberman, Hall, R. Johnson, Landis, Lindsay, Lynch, McFarland, Schmit, Warner, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1084. Placed on General File.

LEGISLATIVE BILL 990. Indefinitely postponed.
LEGISLATIVE BILL 1029. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

MESSAGES FROM THE GOVERNOR

January 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the State Electrical Board, requiring legislative confirmation.

Appointee: Wayne Sides, Box 98, Grant, NE 69140, (308) 352-4458.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 15, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation.

Appointee: Connie Bunge, 2410 Jameson S., Lincoln, NE 68512, (402) 423-8878.

This appointment is respectfully submitted for your consideration.

Sincerely,

(Signed) KAY A. ORR
Governor

KAO:tr

January 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative confirmation.

Appointee: Marge Durham, 8401 W. Dodge, Omaha, NE 68114, (402) 397-5259.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation.

Appointee: Dr. Janet Bernard-Stevens, 1210 Hilltop Circle, North Platte, NE 69101, (308) 532-4679.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 249.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

Standing Committee amendment, AM2170, found in the Journal on page 562 for the Eighteenth Day, was considered.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Hefner offered the following amendment:
FA357

Include a new section.

It is hereby declared to be the policy of the Legislature that no person shall smoke in the George W. Norris Legislative Chamber. Any person in violation of this section shall be subject to a civil penalty of $50 for each violation, not to exceed $500. Legislators shall not be exempt from this section. This section shall be in effect whether the Legislature is in session or not.

Mr. Wehrbein requested a ruling of the Chair on whether the Hefner amendment is germane to the bill.

The Chair ruled the Hefner amendment is germane to the bill.

The Hefner amendment lost with 10 ayes, 8 nays, 21 present and not voting, and 10 excused and not voting.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Wehrbein requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

Barrett
Beck
Beyer
Chambers
Dierks
Korshoj
Landis
Peterson
Pirsch
Rogers
Schimek
Scofield
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 23:

Baack
Bernard-Stevens
Chizek
Conway
Coordsen
Elmer
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Langford
Lindsay
Moore
Morrissey
Nelson
Robak
Schellpeper
Smith

Present and not voting, 3:

Ashford
Crosby
Goodrich

Excused and not voting, 7:

Abboud
Byars
Labedz
Lynch
McFarland
Schmit
Warner

Failed to advance to E & R for review with 16 ayes, 23 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 1005. Placed on General File as amended.
Standing Committee amendment to LB 1005:
AM2393

1. Strike original sections 4, 6, and 7 and insert the following new sections:

"Sec. 4. That section 2-2304, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

2-2304. (1) The board~~, referred to in section 2-2302,~~ shall be composed of seven members who shall (a) ~~are~~ be citizens of Nebraska, (b) ~~are~~ be at least twenty-five years of age, (c) have been actually engaged in growing wheat in this state for a period of at least five years, and (d) derive a substantial portion of their income from growing wheat. In addition, ~~, and also, as ex officio members without a vote on the committee,~~ the Director of Agriculture and the vice chancellor of the Institute of Agriculture and Natural Resources of the University of Nebraska shall serve as nonvoting, ex officio members of the board. ~~With the exception of the ex officio members, the Governor shall appoint the members to the board.~~

(2) ~~The seven appointed members~~ Members of the board shall be ~~appointed~~ elected as provided in sections 5 and 6 of this act, one from each of the following districts:

(a) District 1: The counties of Sioux, Scotts Bluff, Banner, Dawes, Box Butte, Sheridan, Cherry, Grant, Hooker, Kimball, Thomas, Keya Paha, Brown, Rock, Blaine, and Loup;

(b) District 2: The counties of Cheyenne, Deuel, Morrill, Garden, Arthur, McPherson, Logan, and Custer;

(c) District 3: The counties of Keith, Perkins, Chase, Dundy, Hayes, and Hitchcock;

(d) District 4: The counties of Lincoln, Dawson, Buffalo, Frontier, Gosper, Phelps, Kearney, Red Willow, Furnas, Harlan, and Franklin;

(e) District 5: The counties of Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Hall, Knox, Cedar, Dixon, Dakota, Antelope, Pierce, Wayne, Thurston, Madison, Stanton, Cuming, Burt, Boone, Nance, Merrick, Platte, Colfax, Dodge, Washington, Butler, Saunders, Douglas, Sarpy, Polk, Hamilton, York, and Seward;

(f) District 6: The counties of Adams, Clay, Webster, Nuckolls, Fillmore, Thayer, Saline, and Jefferson; and

(g) District 7: The counties of Lancaster, Cass, Otoe, Gage, Johnson, Nemaha, Pawnee, and

Richardson.

~~(a) District 1: The counties of Sioux, Scotts Bluff, Banner, Dawes, Box Butte, Morrill, Sheridan, Garden, Cherry, Grant, Hooker, Thomas, Arthur, and McPherson;~~

~~(b) District 2: The counties of Kimball, Cheyenne, Deuel, and Keith;~~

~~(c) District 3: The counties of Logan, Lincoln, Perkins, Chase, Dundy, Hayes, Hitchcock, and Frontier;~~

~~(d) District 4: The counties of Keya Paha, Brown, Rock, Boyd, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Dawson, Buffalo, Hall, Gosper, Phelps, Red Willow, Furnas, Harlan, and Franklin;~~

~~(e) District 5: The counties of Knox, Cedar, Dixon, Dakota, Antelope, Pierce, Wayne, Thurston, Madison, Stanton, Cuming, Burt, Boone, Nance, Merrick, Platte, Colfax, Dodge, Washington, Butler, Saunders, Douglas, Sarpy, Seward, Lancaster, Cass, and Otoe;~~

~~(f) District 6: The counties of Polk, York, Hamilton, Kearney, Adams, Clay, Webster, and Nuckolls; and~~

~~(g) District 7: The counties of Fillmore, Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson.~~

Sec. 6. Except for the persons elected to the initial board, the terms of the members shall be four years. No person may serve more than two consecutive four-year terms. The terms of persons elected to the initial board shall be staggered so that one member serves for one year, two members serve for two years, two members serve for three years, and two members serve for four years. The term of each person elected to the initial board shall be determined by lot.

As the term of an initial elected member of the board expires, his or her successor shall be elected from the same district for a term of four years. A member whose term has expired shall continue to serve until his or her successor has been elected and qualified.

Sec. 7. That section 2-2307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2307. A vacancy on the board shall exist in the event of the death, disability, or resignation of any member of the board. A vacancy shall also occur when a member ceases ~~member of the board shall be removable by the Governor for cause. He or she shall first be given a copy of written charges against him or her and also an opportunity to be heard publicly. In addition to all other causes, a member ceasing~~ to (1) be a resident of the state, (2) live in the district from which he or she was ~~appointed~~ elected, or (3) be actually engaged in growing wheat in the state. ~~shall be deemed sufficient cause for removal from office~~

In case of vacancy, the board shall appoint a successor who meets the qualifications provided in subsection (1) of section 2-2304 and, if applicable, who is a resident of the same district as his or her predecessor to fill the vacancy for the remainder of the unexpired term.".

2. On page 7, line 13, after "4" insert ", except that the election shall be conducted through extension service offices and each person voting shall vote at the office which serves the county in which the person resides".

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 1225 Friday, February 16, 1990 1:30 p.m.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Chizek, Hartnett, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 348. Title read. Considered.

Standing Committee amendment, AM0747, found in the Journal on page 1444 for the Fifty-Seventh Day, First Session, 1989, was considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Langford moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

SPEAKER BARRETT PRESIDING

Mrs. Langford requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett
Beck
Beyer
Conway
Coordsen
Dierks
Elmer
Haberman
Hall
Hannibal
Hefner
Kristensen
Landis
Langford
McFarland
Moore
Morrissey
Nelson
Pirsch
Rogers
Schmit
Smith
Wehrbein
Weihing
Wesely

Voting in the negative, 6:

Ashford
Johnson, R.
Lamb
Lynch
Peterson
Robak

Present and not voting, 11:

Baack
Bernard-Stevens
Chambers
Crosby
Goodrich
Johnson, L.
Korshoj
Lindsay
Schimek
Scofield
Withem

Excused and not voting, 7:

Abboud
Byars
Chizek
Hartnett
Labedz
Schellpeper
Warner

Advanced to E & R for review with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 187, 187A, 240, and 465.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 187

The following changes, required to be reported for publication in the Journal, have been made:
ER6243
1. On page 9, lines 19 and 20, the new matter has been struck and the stricken matter reinstated.

(Signed) Mary E. Sommermeyer
E & R Attorney

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

General Affairs
Wayne Sides - State Electrical Board
Marge Durham - Nebraska Arts Council

Natural Resources
Janet Bernard-Stevens - Environmental Control Council
Connie Bunge - Environmental Control Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 953. Title read. Considered.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Messrs. McFarland and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Baack
Beck
Bernard-Stevens
Beyer
Conway
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hall
Johnson, R.
Korshoj
Kristensen
Langford
Lindsay
Lynch
Moore
Morrissey
Peterson
Robak
Rogers
Schellpeper
Schimek
Weihing
Withem

Voting in the negative, 14:

Barrett
Chambers
Dierks
Hannibal
Hefner
Johnson, L.
Lamb
Landis
Nelson
Pirsch
Schmit
Scofield
Smith
Wesely

Present and not voting, 3:

Hartnett
Warner
Wehrbein

Excused and not voting, 5:

Ashford
Byars
Chizek
Labedz
McFarland

Advanced to E & R for review with 27 ayes, 14 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 953A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Lindsay asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 922. Placed on General File as amended.
Standing Committee amendment to LB 922:
AM2407

1. Strike original section 1 and insert the following new section:

"Section 1. (1) In addition to the penalties prescribed in section 57-915, any person who violates any provision of sections 57-901 to 57-921, any rule, regulation, or order of the commission, or any term, condition, or limitation of any permit issued pursuant to such sections or such rule, regulation, or order may be subject to a civil penalty imposed by the commission of not to exceed one thousand dollars. No civil penalty shall be imposed until written notice is sent pursuant to subsection (2) of this section and a period of ten days has elapsed in which the person may come into compliance if possible. If any violation is a continuing one, each day a violation continues after such ten-day period shall constitute a separate violation for the purpose of computing the applicable civil penalty. The commission may compromise, mitigate, or remit such penalties.

(2) Whenever the commission intends to impose a civil penalty under this section, the commission shall notify the person in writing (a) setting forth the date, facts, and nature of each violation with which the person is charged, (b) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or permit involved in the violation, and (c) specifying the amount of each penalty which the commission intends to impose. Such written notice shall be sent by registered or certified mail to the last-known address of such person. The notice shall also advise such person of his or her right to a hearing and that failure to pay any civil penalty subsequently imposed by the commission will result in a civil action by the commission to collect such penalty. The person

so notified may, within thirty days of receipt of such notice, submit a written request for a hearing to review any penalty to be imposed by the commission. A hearing shall be held in accordance with the Administrative Procedure Act, and any person upon whom a civil penalty is subsequently imposed may appeal such penalty pursuant to such act. On the request of the commission, the Attorney General or county attorney may institute a civil action to collect a penalty imposed pursuant to this section.".

LEGISLATIVE BILL 950. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1149. Indefinitely postponed.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Governor Appointment Tuesday, February 13, 1990 1:00 p.m.
Rural Health Manpower Commission
Ron Ross
Connie L. Russel
Dr. Joel Hutchins
Board of Health
David L. Timperley

Governor Appointment Thursday, February 15, 1990 1:30 p.m.
Stuart P. Embury, M.D. - Rural Health Manpower Commission
Alice Bartels - Foster Care Review Board

Governor Appointment Friday, February 16, 1990 1:30 p.m.
Board of Health
Bruce L. Gilmore
Margaret A. Allington
Carl I. Maltas
Kathryn Weil Simon
Timothy O. Wahl
Foster Care Review Board
Betty Matz

(Signed) Don Wesely, Chairperson

Appropriations

Tuesday, February 13, 1990, Room 1003 1:30 p.m.

Agency 38	Commission on the Status of Women
Agency 89	State Claims Board
Agency 25	Alcohol, drug abuse, and mental health services block grant under the Department of Public Institutions

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENTS

Mr. Moore designates LB 1059 as his priority bill.

Mr. Elmer designates LB 922 as his priority bill.

Mrs. Robak designates LB 1199 as her priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1004A. Introduced by Rogers, 41st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, Ninety-first Legislature, Second Session, 1990.

GENERAL FILE

LEGISLATIVE BILL 551. Title read. Considered.

Standing Committee amendment, AM2128, printed separately from the Journal and referred to on page 607 for the Nineteenth Day, was considered.

Messrs. Weihing and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely offered the following amendment to the pending Standing Committee amendment:

AM2433

(Amendments to Standing Committee amendments, AM2128)

1. On page 7, line 23, strike “after” and insert “before”.

2. On page 9, line 15, after “XVIII” insert “or Title XIX” and strike “Medicare” and insert “Social Security”.

The Wesely amendment was adopted with 20 ayes, 0 nays, 21 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Byars amendment, AM2128, printed separately from the Journal and referred to on page 488, was withdrawn.

Messrs. Baack and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 742. E & R amendment, AM7096, found in the Journal on page 401 for the Tenth Day, was adopted.

Mr. Wesely renewed his pending amendment, AM2162, found in the Journal on page 543.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Barrett
Bernard-Stevens
Beyer
Coordsen
Crosby
Goodrich
Kristensen
Landis

Langford
Peterson
Rogers
Schellpeper
Warner
Wehrbein
Wesely

Voting in the negative, 17:

Abboud
Beck
Conway
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Lamb
Lynch
Moore
Robak
Schmit
Smith
Withem

Present and not voting, 6:

Chambers
Hannibal
Morrissey
Nelson
Schimek
Scofield

Excused and not voting, 11:

Ashford
Baack
Byars
Chizek
Haberman
Johnson, R.
Labedz
Lindsay
McFarland
Pirsch
Weihing

The Wesely amendment lost with 15 ayes, 17 nays, 6 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENT

The Health and Human Services Committee designates LB 1064 as its priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 251CA. Introduced by LR 232 Special Investigative Committee: Schmit, 23rd District; Baack, 47th District; Lynch, 13th District.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article III, section 18.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article III, section 18, which is hereby proposed by the Legislature:

CIII-18 "The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, Town plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County and Township offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities, Towns and Villages, or changing or amending the charter of any Town, City, or Village.

Providing for the election of Officers in Townships, incorporated Towns or Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, towns, precincts, school districts or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever, except ~~; PROVIDED,~~ that notwithstanding any other provisions of this Constitution, the Legislature shall have authority (1) to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto and (2) to authorize special committees to be formed of its members to investigate any subject assigned by the Legislature, including allegations of negligence and wrongdoing by public officers and officials, and to allow a special committee to grant immunity to an individual from prosecution for a criminal act upon finding that the value of his or her testimony outweighs the public interest in prosecuting the crime. In all other cases where a general law can be made applicable, no special law shall be enacted.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to authorize the Legislature to form special committees to investigate subjects assigned by the Legislature and to allow the special committee to grant immunity to an individual from prosecution for a criminal act.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 1140. No objections. So ordered.

Mr. Dierks asked unanimous consent to have his name added as co-introducer to LB 1238 and LB 1059. No objections. So ordered.

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 164. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 663 in the Journal. No objections. So ordered.

AM2426

1. In the Scofield amendment, AM 2210:

a. On page 3, line 24, strike "are not eligible for" and insert "do not require";

b. On page 8, line 13, after "programs" insert "or services"; and

c. On page 11, line 2, after "provide" insert "nonrestrictive".

2. In the E & R amendment, AM 7116, on page 1, line 7, strike "eligible applicants" and insert "communities".

VISITORS

Visitors to the Chamber were Mrs. Deb Smith, Naomi, Jessica, Caleb, and Zach; Ron Elznic from Geneva; and Pat Widmyer, Harold Emearson, and Carl Trendler.

ADJOURNMENT

At 11:58 a.m., on a motion by Mrs. Robak, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 7, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 7, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor William Yeager, Westminster Presbyterian, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Rogers, and Mrs. Labedz who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Hall, R. Johnson, Moore, Schmit, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1050. Placed on Select File.

LEGISLATIVE BILL 1004. Placed on Select File as amended.
E & R amendment to LB 1004:
AM7124

1. In the Standing Committee amendments, AM2296, on page 2, lines 20 and 21, strike "Pseudorabies

Control and Eradication Act” and insert “act”.

2. On page 1, line 7, after “eradication” insert “and control” and after the semicolon insert “to provide for an advisory committee;”; in line 10 after the semicolon insert “to provide a penalty;”; and in line 12 after the semicolon insert “to provide an operative date;”.

3. On page 5, line 6, strike the comma and show as stricken; and in line 18 after “or” insert “any” and strike “herds” and insert “herd”.

4. On page 6, line 16, after the comma insert “to”; in line 17 after “and” insert “to”; and in line 20 strike the second “a” and insert “an entire”.

5. On page 7, line 24, strike the first comma and show as stricken.

6. On page 8, line 12, strike the comma and show as stricken; and in line 16 strike “infected”, show as stricken, and insert “affected”.

7. On page 9, line 2, strike the first comma, show as stricken, and insert “or” and after “both” insert an underscored comma.

8. On page 10, line 20; page 11, lines 11 and 12; and page 17, line 9, strike “Pseudorabies Control and Eradication Act”, show the old matter as stricken, and insert “act”.

9. On page 10, line 23, strike the second comma and show as stricken.

10. On page 11, line 3, before “subject” insert an underscored comma and after “funds” insert an underscored comma.

11. On page 12, line 7, after the comma insert “to begin”; in line 8 after the first “and” insert “to begin”; and in line 25 strike “effective” and insert “operative”.

12. On page 14, line 14, after “sales” insert “to”; and in line 15 strike “to”.

13. On page 18, line 6, after “source” insert an underscored comma; and in line 7 after “private” insert “sources”.

LEGISLATIVE BILL 863. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1032. Placed on General File as amended.
Standing Committee amendment to LB 1032:
AM2438

1. On page 2, strike beginning with "which" in line 5 through "member" in line 6, show the old matter as stricken, and insert "who"; in line 7 strike the comma and show as stricken; and strike beginning with "if" in line 11 through "purpose" in line 16, show the old matter as stricken, and insert "if an appropriation is made for such purpose and if the reimbursement is approved by the Governor or, in cases in which the commission, council, committee, or board has been created to assist the Legislature in the performance of its duties, by the Executive Board of the Legislative Council".

(Signed) Dennis Baack, Chairperson

Business and Labor

LEGISLATIVE BILL 901. Placed on General File.
LEGISLATIVE BILL 1178. Placed on General File.

LEGISLATIVE BILL 313. Placed on General File as amended.
Standing Committee amendment to LB 313:
AM2428

1. Strike the original sections and insert the following new sections:

"Section 1. That section 48-121.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-121.01. Commencing on ~~May 30, 1987~~ the effective date of this act, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred ~~thirty-five~~ fifty-five dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars. Commencing July 1, ~~1988~~ 1991, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred sixty-five ~~forty-five~~ dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars.

Sec. 2. (1) Each workers' compensation insurance policy issued by an insurer pursuant to the Nebraska Workers' Compensation Act shall offer, at the option of the insured employer, a deductible for medical benefits in the amount of five hundred dollars to two thousand five hundred dollars per claim in increments of five hundred dollars. The insured employer, if choosing to exercise this option, may choose only one of the amounts as the deductible. The provisions of this section shall be fully disclosed to each prospective purchaser in writing.

(2) The deductible form shall provide that the insurer shall remain liable for and shall pay the entire cost of medical benefits for each claim directly to the medical provider and shall then be reimbursed by the employer for any deductible amounts paid by the insurer. The employer shall be liable for reimbursement up to the limit of the deductible.

(3) An insurer shall not be required to offer a deductible if, as a result of a credit investigation, the insurer determines that the employer does not have the financial ability to be responsible for the payment of deductible amounts.

(4) The insurer shall service and, if necessary, defend all claims that arise during the policy period, including those claims payable, in whole or in part, from the deductible amount, and shall make such reports to the court of payments made, including payments made under the deductible provisions, as may be required by the court.

(5) A person who is employed by a policyholder which chooses to exercise the option of a deductible policy shall not be required to pay any of the deductible amount, and any such policyholder shall not require or attempt to require the employee to give up his or her right of selection of physician set out in section 48-120. Any violation of this subsection shall be a Class II misdemeanor.

Sec. 3. That section 48-1,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1,110. (1) Sections 48-101 to 48-1,110 and section 2 of this act shall be known and may be cited as the Nebraska Workers' Compensation Act.

(2) It is the intent of the Legislature that the changes made in Laws 1986, LB 811, shall not affect or alter any rights, privileges, or obligations existing immediately prior to July 17, 1986.

(3) On and after July 17, 1986, whenever the terms workmen's compensation and Workmen's Compensation appear in the statutes or in any appropriations measures enacted into law, they shall be taken to mean workers' compensation and Workers' Compensation, respectively.

Sec. 4. That original sections 48-121.01 and 48-1,110, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 986. Indefinitely postponed.
LEGISLATIVE BILL 991. Indefinitely postponed.
LEGISLATIVE BILL 1117. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

NOTICE OF COMMITTEE HEARING
Revenue

LB 1214 Wednesday, February 14, 1990 (rehearing) 1:30 p.m.

(Signed) Tim Hall, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 663A. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, Ninety-first Legislature, Second Session, 1990.

COMMUNICATION

February 5, 1990

Mr. Patrick J. O'Donnell
Clerk of the Legislature

Room 2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

The attached resolution and materials are submitted to you with the request that it be submitted to the Legislature for approval. The resolution authorizes the sale of bonds for the construction of additional student housing at Kearney State College. We understand that it will probably be referred to a committee for a hearing.

If there are additional steps to be taken, please advise us. Thank you for your assistance on this matter.

Sincerely,
(Signed) Richard Bringelson
Executive Officer

Enclosures
cc: Celann LaGreca, Chair,
Board of Trustees
Dr. William Nester, President,
Kearney State College
RB:dte

REPORT

Received second annual report of the Job Support Program submitted by the Department of Social Services in compliance with Neb. Rev. Stat. 43-512.11.

ANNOUNCEMENTS

The Chair announced Friday is Senator Morrissey's and Senator Barrett's birthdays.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 37.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend sections 81-2,147.01 to 81-2,147.05 and 81-2,147.07 to 81-2,147.10, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,147.06, Revised Statutes Supplement, 1988; to define and redefine terms; to change provisions relating to labeling; to change provisions relating to the testing and sale of seeds; to change provisions relating to powers and duties of the Director of Agriculture; to provide for enforcement; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Ashford
Chambers
Hall
Johnson, R.
Labedz
Moore
Rogers
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 409.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Small Business Incubator Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway

Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Ashford
Chambers
Hall
Johnson, R.
Labedz
Moore
Rogers
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 422.

A BILL FOR AN ACT relating to paupers and public assistance; to amend sections 68-132 and 68-139, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to authorize counties to establish vocational, rehabilitation, and job training programs as prescribed; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Ashford
Chambers
Hall
Johnson, R.
Labedz
Moore
Rogers
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 543 to Select File

Mr. Haberman moved to return LB 543 to Select File for the following specific amendment:
FA358
Strike the enacting clause.

Mr. Haberman withdrew his motion to return.

Mr. Withem moved to return LB 543 to Select File for the following specific amendment:
FA359
Strike the enacting clause.

Mr. Withem withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 543.

A BILL FOR AN ACT relating to postsecondary education; to state intent; and to provide for establishment of a minority student scholarship program.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner

Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Abboud
Ashford
Hall
Labedz
Rogers
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business. the Speaker signed the following bills: 37, 409, 422, and 543.

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem. Korshoj, and Hartnett asked unanimous consent to print the following amendment to LB 81 in the Journal. No objections. So ordered.

AM2440

(Amendments to AM2332)

1. Insert the following new sections:

"Section 1. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. Each county~~,~~ under commissioner organization~~,~~ having not more than three hundred thousand inhabitants~~,~~ shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 to 23-150~~, which shall be~~ numbered respectively, one, two, three, four, and five. Each county having more than three hundred thousand inhabitants shall be divided into five districts numbered respectively, one, two, three, four, and five. Such districts shall consist of two or more voting precincts~~,~~ comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county and not subject to alteration more often than once in four years. One commissioner shall be nominated and elected by each of such ~~said~~ districts~~,~~ but shall be elected by the qualified electors of the entire county in counties having a population in excess of one hundred seventy-five thousand. The district lines shall not be changed at any session of the board unless all of the commissioners are present at such session. In counties having more than three hundred thousand inhabitants~~,~~ and in counties where a majority have voted for five commissioners~~,~~ (1) counties which elect members of the board on an at-large basis shall continue to appoint and elect additional members at large~~,~~ and (2) in counties which elect by district~~, it shall be the duty of~~ the county board of such county, at its ~~their~~ first meeting after the publication of the state or federal census~~,~~ or after an election deciding to have five~~, to divide said~~ commissioners, shall divide such county into five commissioner districts~~,~~ as provided by law.

The three commissioners of such county whose terms of office will expire after the ~~said~~ election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed, pursuant to section 32-1040, to serve until the first Thursday after the first Tuesday in January following the next general election. At the ~~such~~ next general election commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings will be accepted for terms ~~a term~~ of two years and for terms ~~a term~~ of four years so that two members will be elected to four-year terms at one election and three members will be elected to four-year terms at the next election. Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor is elected and qualified. Commissioners ~~After May 8, 1979, commissioners~~ holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to ~~the provisions of~~ this section. Nothing in this section shall be construed to prohibit the reelection of commissioners currently holding office as long as each such commissioner is reelected to represent his or her respective district.

Sec. 3. That section 32-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-308. (1) A county sheriff, county treasurer, and county attorney shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(2) When there is a qualified surveyor within a county who will accept the office of county surveyor if elected, a county surveyor, on either a full-time or part-time basis~~,~~ as determined by the county board, shall be elected in each county with a population of less than one hundred fifty thousand inhabitants at the general election in 1982 and every fourth year thereafter. In counties where the county surveyor is an ex officio county engineer as provided in section 23-1901, the office of surveyor shall be full time.

(3) Except as provided in section 79-311, a county superintendent of public instruction shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(4) A county clerk shall be elected~~,~~ in each county having a population of two hundred thousand inhabitants or less~~,~~ at the general election in 1962 and every fourth year thereafter and~~,~~ in counties having a population in excess of two hundred thousand inhabitants~~,~~ at the general election in 1964 and every fourth year thereafter.

(5) A register of deeds shall be elected~~,~~ in each county having a population of more than ~~sixteen~~ twenty thousand ~~five hundred~~ and not more than two hundred thousand inhabitants~~,~~ at the general election in

1962 and every fourth year thereafter and~~,~~ in counties having a population in excess of two hundred thousand inhabitants~~,~~ at the general election in 1964 and every fourth year thereafter. If the population of a county which has a separate office of register of deeds pursuant to this subsection falls below twenty thousand inhabitants after establishing such an office or if a county which has a separate office of register of deeds immediately prior to the effective date of this act has a population of twenty thousand inhabitants or less, the office of the register of deeds shall continue and the officer shall be elected pursuant to this subsection as if the county had a population of more than twenty thousand and not more than two hundred thousand inhabitants.

(6) A county engineer shall be elected in each county having a population of one hundred fifty thousand inhabitants or more at the general election in 1986 and every fourth year thereafter.".

2. On page 2, line 14, strike "section 31-409.03" and insert "sections 23-151, 31-409.03, and 32-308"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Friday, February 16, 1990 1:30 p.m.
Environmental Control Council
Dr. Janet Bernard-Stevens
Connie Bunge

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1168. Indefinitely postponed.
LEGISLATIVE BILL 1181. Indefinitely postponed.
LEGISLATIVE BILL 1190. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 233CA. Placed on General File as amended.
Standing Committee amendment to LR 233CA:
AM2437

1. On page 1, line 15, strike "day" and insert "Monday"; and in line 16 strike beginning with the first comma through the second comma.

2. On page 2, line 3, after the period insert "Commencing in 1992, the terms of members of the Legislature elected at the general election immediately preceding the beginning of each organizational session shall commence on the first day of the organizational session immediately following their election and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date."; and in line 17 strike "sixty", show as stricken, and insert "seventy".

3. On page 4, line 1, after "biennially" insert ", to change the date when terms of the elected members of the Legislature begin,"; and in line 3 strike "sixty" and insert "seventy".

(Signed) Dennis Baack, Chairperson

GENERAL FILE

LEGISLATIVE BILL 542. Title read. Considered.

Standing Committee amendment, AM0455, found in the Journal on page 956 for the Thirty-Eighth Day, First Session, 1989, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 742. Mrs. Robak offered the following amendment:
AM2436

(Amendments to AM7096)

1. On page 2, line 4; and page 4, line 22, strike "shall be measured" and insert "may be obtained".

The Robak amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Crosby offered the following amendment:
AM2431

(Amendments to the E & R amendments, AM7096)

1. Insert the following new section:

"Sec. 4. That section 60-4,122, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114. The director may accept currently valid school transportation vehicle operators' permits issued pursuant to section 79-488.06 in lieu of reexamination for renewal of the operators' licenses of the holders of such permits.

(2) Any person who renews his or her Class O license shall appear before an examiner to demonstrate his or her ability to ~~operate~~ drive and maneuver a motor vehicle safely as provided in subdivision (2) of section 60-4,114~~, except that such person shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle, as provided in subdivision (2) of such section.~~ only at the discretion of the examiner, except that a person required to use bioptic or telescoptic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.

(3) Any person who renews his or her Class O license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-4,114 if he or she presents to the examiner an abstract of his or her driving record which shows that such person has had no traffic violations as

described in section 39-669.26 from the date the operator's license was last issued to the date the abstract was issued. A person may apply for and receive an abstract of his or her driving record from the Department of Motor Vehicles using the procedure prescribed in section 60-483. For purposes of this section, no abstract shall be used if issued more than ninety-five days prior to the expiration of such person's operator's license.

(4) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in section 60-484.".

2. On page 2, line 23, after the period insert "Any such person shall be required to appear annually before an examiner to demonstrate his or her ability to drive and maneuver a motor vehicle as a condition of renewal of his or her operator's license.".

3. On page 8, line 1, strike "and 5" and insert "4, and 6"; in line 5 strike "and" and insert a comma: in line 6 before "Revised" insert "and 60-4,122,"; and in line 14 strike "and 60-4,118" and insert "60-4,118, and 60-4,122".

4. Renumber the remaining sections accordingly.

The Crosby amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following amendment:
FA360

(Amendments to AM7096)

1. On page 2, line 11; and page 5, line 5, after the period insert "If the applicant is required to use bioptic or telescoptic lenses to meet the vision requirements, the operator's license of the applicant may be restricted to operation of a motor vehicle during daylight hours as defined by the department." and insert paragraphing before "If".

Messrs. Peterson and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew his pending amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 567. E & R amendment, AM7114, found in the Journal on page 561 for the Eighteenth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 567A. E & R amendment, AM7115, found in the Journal on page 561 for the Eighteenth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 663. E & R amendment, AM7116, found in the Journal on page 589 for the Nineteenth Day, was adopted.

Mr. Baack renewed the pending Scofield amendment, AM2426, found in the Journal on page 684.

The Scofield amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 350. E & R amendment, AM7120, found in the Journal on page 660 for the Twenty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 350A. E & R amendment, AM7121, found in the Journal on page 660 for the Twenty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 692. E & R amendment, AM7119, found in the Journal on page 660 for the Twenty-Second Day, was adopted.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 1102. Placed on General File.
LEGISLATIVE BILL 1236. Placed on General File.

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Beck asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2446

1. On page 4, line 7, strike "The" and insert "Subject to subsection (3) of this section, the".

2. On page 5, line 7 after "(3)" insert "Through December 31, 1994, twenty-five percent of proceeds not to exceed two hundred thousand dollars in any one calendar year deposited in the fund pursuant to section 4 of this act shall be used only for research and development of programs and projects which promote the recycling and reduction of scrap tires, the development of other alternative uses for scrap tires, and the utilization of scrap tires in waste-to-energy facilities.

(4)".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 843A. Introduced by Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 843, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 910A. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, Ninety-first Legislature, Second Session, 1990; to authorize a transfer of funds; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 602. Title read. Considered.

PRESIDENT NICHOL PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 858. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 875. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 891. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1013. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 983. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Messrs. Kristensen and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 906. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 907. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 374. Indefinitely postponed.
LEGISLATIVE BILL 530. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Education

LEGISLATIVE BILL 1109. Placed on General File.

LEGISLATIVE BILL 1108. Placed on General File as amended.
Standing Committee amendment to LB 1108:
AM2418

1. Strike the original section and insert the following new sections:

"Section 1. That section 79-3505, Revised Statutes Supplement, 1989, be amended to read as follows:

79-3505. (1) Each provider shall certify to the department ~~by September 1 of~~ each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher paid less than the amounts prescribed in subdivision (b) of this subsection as regular compensation shall not be counted in the calculation;

(b)(i) For school year 1989-90, a full-time equivalent teacher paid at least sixteen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher; and

(ii) For school year 1990-91, a full-time equivalent teacher paid at least seventeen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher;

(c) A full-time equivalent teacher paid nineteen thousand dollars or more as regular compensation shall be counted as one full-time equivalent teacher; and

(d) A full-time equivalent teacher with a master's degree, regardless of his or her regular compensation, shall be counted as one and one-fifth full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of program funds using the formula provided in subsection (4) of this section and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute an amount to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the weighted number of full-time equivalent teachers in the state as a whole employed by providers which have submitted the information as required by this section. Any amounts distributed under this subsection shall be used only for purposes of providing general salary increases which are bargained for together with other salary increases and benefit changes at the local level and for paying the employer's share of federal social security and retirement benefit payments on such salary increases.

Sec. 2. That original section 79-3505, Revised Statutes Supplement, 1989, is repealed.".

(Signed) Ron Withem, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1165. Placed on General File.
LEGISLATIVE BILL 1217. Placed on General File.
LEGISLATIVE BILL 1228. Placed on General File.

(Signed) David Landis, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 896A. Introduced by Withem, 14th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 896, Ninety-first Legislature, Second Session, 1990.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 1990, at 10:17 a.m., were the following bills: 37, 409, 422, and 543.

(Signed) Jeffrey S. DeLine, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 240A in the Journal. No objections. So ordered.

AM2386

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 3. There is hereby appropriated $20,000 from the General Fund for FY1990-91 to the Public Service Commission, for Program 064, to aid in carrying out the provisions of Legislative Bill 240, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. On or before June 30, 1991, the State Treasurer is hereby directed to transfer $20,000 from the Nebraska Telephone Relay System Fund to the General Fund to reimburse the General Fund for the appropriation provided for in section 3 of this act.".

2. On page 1, line 4, after "1990" insert ";

to reduce appropriations; and to provide for the transfer of funds".

Mr. Lamb asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

AM2447

1. Insert the following new section:

"Sec. 3. That section 39-6,136.01, Revised Statutes Supplement, 1989, be amended to read as follows:

39-6,136.01. (1) It shall be unlawful for a person to drive a motor vehicle required to be registered in this state upon a highway:

(a) If the windows in such motor vehicle are tinted so that the driver's clear view through the windshield or side or rear windows is reduced or the ability to see into the motor vehicle is substantially impaired;

(b) If the windshield has any sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;

(c) If the front side windows have any sunscreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than thirty-five percent;

(d) If the rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than twenty percent except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

(e) If the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 C.F.R. 571.205.

(2) For purposes of this section and sections 39-6,136.02 and 39-6,136.03:

(a) AS-1 line shall mean a line extending from the letters AS-1, found on most motor vehicle windshields, running parallel to the top of the windshield or shall mean a line five inches below and parallel to the top of the windshield, whichever is closer to the top of the windshield;

(b) Camper shall mean a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle with motive power for the purpose of providing shelter for persons;

(c) Glass-plastic glazing material shall mean a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle;

(d) Light transmission shall mean the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window;

(e) Luminous reflectance shall mean the ratio of the amount of total light, expressed in percentages, which is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window;

(f) Motor home shall mean a multipurpose passenger vehicle that provides living accommodations;

(g) Multipurpose vehicle shall mean a motor vehicle designed to carry ten or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use;

(h) Pickup cover shall mean a camper having a roof and sides but without a floor designated to be mounted on and removable from the cargo area of a truck by the user;

~~(h)~~ (i) Slide-in camper shall mean a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user; and

~~(i)~~ (j) Sunscreening material shall mean a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.".

2. In the Lamb amendment, AM2221, on page 32, line 12, after "39-6,100" insert ", 39-6,136.01,".

3. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 252. Introduced by Conway, 17th District; Korshoj, 16th District; Warner, 25th District; Nelson, 35th District; Beyer, 3rd District.

WHEREAS, Phil Kruse celebrates his eightieth birthday on February 21, 1990; and

WHEREAS, Phil Kruse is a consultant of the 309 Task Force Building Maintenance Committee; and

WHEREAS, Phil began his career with the State of Nebraska in 1934 at the University of Nebraska-Lincoln shoveling coal; and

WHEREAS, Phil is beginning his fifty-second year of service to the state; and

WHEREAS, few people have attained his accomplishments with such dedication as he has provided to the State of Nebraska and the 309 Task Force.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated service, knowledge, and expertise that Phil Kruse has contributed to the State of Nebraska through the years.
2. That the Legislature congratulates Phil on his birthday and wishes him a happy birthday and many more.
3. That a copy of this resolution be presented to Phil Kruse.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 251CA.

LR	**Committee**
251CA	Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

EXECUTIVE BOARD REPORT

February 7, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

The Referencing Committee, this date, has referred the communication from the Nebraska State College System concerning the sale of bonds for the construction of additional student housing at Kearney State College, to the Appropriations Committee for appropriate action.

Sincerely,
(Signed) Bernice Labedz
Chairperson
Executive Board

BL:jw

ANNOUNCEMENT

Messrs. Hall and Chizek announced a change for the Revenue and Judiciary hearings on Thursday, February 15, 1990: Revenue will be held in room 1113 and Judiciary will be held in room 1520.

GENERAL FILE

LEGISLATIVE BILL 984. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 856. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 851. Title read. Considered.

Mr. Morrissey asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 957. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 964. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 966. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 997. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 857. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 874. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 893. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 918. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 930. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 970. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 940. Title read. Considered.

MR. HANNIBAL PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 902. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 974. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1016. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1017. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 969. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 896. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 965. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 924. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1118. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1043. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1044. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1076. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1098. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 852. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 872. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1022. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1063. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1070. Title read. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 980. Placed on Select File as amended.
E & R amendment to LB 980:

AM7125

1. In the Lamb amendment, AM2311:

a. On page 5, line 13, after the third comma insert "operates,";

b. On page 8, line 3, after "shall" insert an underscored comma;

c. On page 10, line 8, strike ", otherwise", show as stricken, and insert ". Otherwise"; and

d. On page 13, line 5, strike "subsection (2)", show as stricken, and insert "subsections (2) and (3)".

2. On page 1, lines 2 and 3, strike "section 75-364" and insert "sections 75-364 and 75-366"; in line 5 before "60-4,148" insert "60-4,145, 60-4,146,"; in line 6 after the final comma insert "75-302, 75-307, 75-311, 75-358,"; and in line 8 after "to" insert "define and".

3. On page 2, line 1, strike "penalty" and insert "duty for counties; to provide for and change applicability of penalties; to require certain carriers to comply with certain rules and regulations of the Public Service Commission as prescribed"; and in line 4 after the semicolon insert "to provide for enforcement of motor carrier laws, rules, and regulations;".

4. On page 9, line 12, after "who" insert "or which".

5. On page 12, line 23, strike "restrictions", show as stricken, and insert "restriction".

6. On page 38, line 17, after "bus" insert an underscored comma.

LEGISLATIVE BILL 164. Placed on Select File as amended.
E & R amendment to LB 164:
AM7123

1. On page 1, strike beginning with "historic" in line 1 through line 5 and insert "the Nebraska State Historical Society; to require the acquisition and operation of Joslyn Castle.".

LEGISLATIVE BILL 348. Placed on Select File.

LEGISLATIVE BILL 953. Placed on Select File as amended.
E & R amendment to LB 953:

AM7126

1. On page 1, line 4, after "to" insert "retirement".
2. On page 8, lines 6 and 11, strike the comma.

LEGISLATIVE BILL 953A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2452.)

Mr. Haberman asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2454

1. Strike original sections 4, 6 to 13, 24 to 26, 29 to 33, and 35 and all amendments thereto and insert the following new section;
"Sec. 18. That original section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2701.01, Revised Statutes Supplement, 1988, are repealed.".
2. On page 30, strike beginning with the colon in line 14 through "Establish" in line 24 and insert "establish".
3. Renumber the remaining sections and correct internal references accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 987A. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2450

1. Insert the following new sections:

"Sec. 2. The Legislature further recognizes the emerging crisis of solid waste disposal facing the state and its communities and the urgent need for a comprehensive strategic plan to reduce solid waste, encourage recycling, create markets, and develop methods for cleaner and safer landfills.

Sec. 3. There is hereby created within the Legislative Council a committee to direct and oversee the formulation of a State Comprehensive Solid Waste Management Plan. The committee shall provide technical assistance and serve as a clearinghouse for efforts to formulate the State Comprehensive Solid Waste Management Plan and serve as a liaison among the Department of Environmental Control, political subdivisions, other governmental agencies, and private entities. The committee shall consist of:

(1) Five members of the Legislature, to be appointed by the Executive Board of the Legislative Council within fifteen days after the effective date of this act. One such member shall, at the time the appointment is made, be a member of the Agriculture Committee, one the Appropriations Committee, one the Business and Labor Committee, one the Natural Resources Committee, and one the Urban Affairs Committee;

(2) One representative from the Department of Energy, to be appointed by the Director of Energy;

(3) One representative from the Department of Environmental Control, to be appointed by the Director of Environmental Control;

(4) One representative from the Department of Health, to be appointed by the Director of Health;

(5) One representative from the Nebraska Association of County Officials, to be appointed by the members of the board of directors of the association;

(6) One representative from the League of Municipalities, to be appointed by the members of the board of directors of the league;

(7) One representative from the Nebraska Association of Resource Districts, to be appointed by the members of the board of directors of the association; and

(8) One representative from each of the following groups: Environmental; recycling; business; labor; and medicine, to be appointed by the members of the committee appointed pursuant to subdivisions (1) through (7) of this section. The appointments shall be made within thirty days after the effective date of this act. Any vacancy shall be filled by the appointing body or official for the remainder of the term. The member of the committee serving on the Appropriations Committee of the Legislature shall serve as chairperson of the committee created pursuant to this section until the members of the committee elect a chairperson and vice-chairperson from among themselves.

The committee may utilize the staff of the Legislative Fiscal Analyst and the Legislature to assist it in carrying out its duties under sections 2 to 8 of this act. Members of the committee shall be reimbursed for their actual and necessary expenses as provided in section 81-1174 to 81-1177.

Sec. 4. The committee created pursuant to section 3 of this act and any advisory body it may create shall cease to exist on January 1, 1992.

Sec. 5. The committee created pursuant to section 3 of this act shall formulate a State Comprehensive Solid Waste Management Plan for Nebraska. The committee shall select and the Legislative Council shall contract with an individual, entity, or organization to assist in formulating the plan.

Sec. 6. The State Comprehensive Solid Waste Management Plan shall consider the following: (1) Volume reduction at the source; (2) recycling, reuse, and vegetative waste composting; (3) incineration with energy resources recovery; (4) incineration for volume reduction; and (5) land disposal.

Sec. 7. (1) The committee created pursuant to section 3 of this act shall submit a written report to the Legislature on December 1, 1990, outlining proposals and recommendations which address solid waste management issues. The committee may continue investigating other possible alternatives for the duration of its existence.

(2) The report required by subsection (1) of this section shall include cost estimates of the financial impact of any recommended changes, a strategic plan for the future of solid waste management in the state, and the identification of an ongoing process for the development and implementation of such a plan.

(3) After the submission of the report, the committee shall forward it to the Governor and other interested parties in the state by December 15, 1990, along with any additional or different recommendations the committee may have.

Sec. 8. Expenditures for carrying out the duties of the committee created pursuant to section 3 of this act, including employment of a contractor, shall be appropriated to the Legislative Council from the General Fund. The Legislature shall appropriate from the General Fund for FY1990-91 five hundred thousand dollars for such purpose and for FY1991-92 five hundred thousand dollars for such purpose.

Such incidental expenses as deemed necessary for functions of the committee may also be appropriated to and accounted for by a separate subprogram from the agency's operating expenses.".

2. Renumber the remaining sections and correct internal references accordingly.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 7, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams, Donald D. - Lincoln	America First (Withdrawn 90/02/01)
Bones, Amy S. - Omaha	Multi-State Associates, Inc. on behalf of Playtex, Inc. (Withdrawn 89/12/31)

	Multistate Associates on behalf of Rubber Mfg. Assn. (Withdrawn 89/12/31) National Tax Limitations Committee (Withdrawn 89/12/31) National Taxpayers Union (Withdrawn 89/12/31)
Boyer, John K. - Omaha	Multistate Associates on behalf of Rubber Mfg. Assn. (Withdrawn 89/12/31) National Tax Limitation Committee (Withdrawn 89/12/31) National Taxpayers Union (Withdrawn 89/12/31)
Bredthauer, Trudy Saunders - Omaha	Applause Video Corporation
DeCamp Legal Services, P.C. DeCamp, John - Lincoln	Nebraska Operators Association Niobrara Basin Preservation Association
Smith, Jeffry H. - Arapahoe	Arapahoe Telephone Company Benkelman Telephone Company Cozad Telephone Company Curtis Telephone Company Keystone-Arthur Telephone Company
Thode, Harry Jacob - Omaha	Libertarian Party of Nebraska
Weaver, David - Washington, D.C.	Handgun Control, Inc.
Wright, Norman H. - Omaha	Multistate Associates on behalf of Rubber Mfg. Assn. (Withdrawn 89/12/31) National Tax Limitations Committee (Withdrawn 89/12/31) National Taxpayers Union (Withdrawn 89/12/31)

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1243. Introduced by LR 232 Special Investigative Committee: Schmit, 23rd District, Chairperson; Baack, 47th District; Warner, 25th District; Lynch, 13th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Reissue Revised Statutes of Nebraska, 1943; to change the statute of limitations for certain offenses as prescribed; to provide for applicability of the changes; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 253. Introduced by Barrett, 39th District.

WHEREAS, vocational education has helped many Nebraskans respond to the profound social, economic, and technological changes in our society; and

WHEREAS, vocational education helps individuals reach new goals for themselves and ultimately for society; and

WHEREAS, professional contributions by the vocational educators of this state have assisted youth and adults in the process of preparing for work; and

WHEREAS, the leadership skills and civic contributions provided by vocational student organizations such as FFA, FHA-HERO, FBLA, HOSA, AIASA, PBL, DECA, and VICA are also recognized as integral parts of vocational education; and

WHEREAS, the American Vocational Association, by representative assembly, has established the second week in February as Vocational Education Week and is supported by the Nebraska Vocational Association in this action.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby proclaims the week of February 11th through the 17th, 1990, as Vocational Education Week.
2. That the Legislature urges all citizens to join in supporting and recognizing vocational education programs in the State of Nebraska.

Laid over.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1105. Placed on General File.

LEGISLATIVE BILL 1039. Placed on General File as amended.
Standing Committee amendment to LB 1039:
AM2222

1. Strike the original sections and insert the following new section:

"Section 1. (1) The Public Employees Retirement Board shall, within three years after the effective date of this act, establish a comprehensive retirement education and financial planning program for all members of the State Employees Retirement System of the State of Nebraska who are under age fifty and not eligible to attend the preretirement planning program established in section 84-1511.

(2) The retirement education and financial planning program shall include, but not be limited to, discussion on the retirement system, financial planning, and budgeting as well as any other planning information valuable to employees before they reach age fifty.

(3) The employer shall provide each eligible employee leave with pay to attend a retirement education and financial planning program, except that the employer shall not be required to provide leave with pay more than once every forty-eight months for such purpose. An employee may choose to attend a program more than once every forty-eight months, but leave to attend a program shall be at the expense of the employee. An employee may not attend a program more than once per fiscal year.

(4) Any new member of the retirement system shall have the option of attending a retirement education and financial planning program within the first twelve months of his or her membership in the system.

(5) Funding to cover the expense of the retirement education and financial planning program shall be charged back to the State Employees Retirement Fund.

(6) A nominal registration fee shall be charged each person attending a retirement education and financial planning program to cover the costs for meals or meeting rooms or other expenses incurred under the program.".

(Signed) Rex Haberman, Chairperson

Transportation

LEGISLATIVE BILL 1119. Placed on General File.

LEGISLATIVE BILL 958. Placed on General File as amended.

Standing Committee amendment to LB 958:
AM2427

1. On page 2, line 17, strike "sixteen" and insert "five".

LEGISLATIVE BILL 1007. Indefinitely postponed.
LEGISLATIVE BILL 1071. Indefinitely postponed.
LEGISLATIVE BILL 1087. Indefinitely postponed.
LEGISLATIVE BILL 1133. Indefinitely postponed.

(Signed) Howard Lamb, Chairperson

ANNOUNCEMENT

Mr. Baack designates LB 843 as his priority bill.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LBs 37, 409, 422, and 543.

(Signed) Chris Abboud

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Byars asked unanimous consent to have his name added as co-introducer to LB 551. No objections. So ordered.

Mr. Kristensen asked unanimous consent to have his name added as co-introducer to LB 551. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 901. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Ed Alderman from Minden; 25 students and instructor from Wayne State College; John and Joyce Broderson from Herman: Jean Korth from Hastings; 40 fourth, seventh, and eighth grade students from St. John the Baptist School, Plattsmouth: and members of Nebraska Society of Radiologic Technologists.

ADJOURNMENT

At 12:36 p.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Monday, February 12, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 12, 1990

LEGISLATIVE JOURNAL

TWENTY-FIFTH DAY - FEBRUARY 12, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 12, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father Mitch Lindeman, St. Matthews Episcopal, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Ashford and Ms. Schimek who was excused; and Messrs. Bernard-Stevens, Chambers, Korshoj, Lindsay, Lynch, McFarland, Rogers, Schmit, Warner, Wesely, and Mrs. Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 350, 350A, 567, 567A, 663, 692, and 742.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 567

The following changes, required to be reported for publication in the Journal, have been made:
ER6245

1. On page 1, the matter beginning with "Support" in line 4 through "programs" in line 5 has been struck and "Center and the Early Childhood Education Pilot Project Program" inserted.
2. On page 4, line 5, "Childhood" has been inserted after "Early"; in line 7 "such" has been struck; and in line 22 "age" has been struck and "years of age" has been inserted after "five".
3. On page 5, line 16, a comma has been inserted after "years".

Enrollment and Review Change to LB 742

The following changes, required to be reported for publication in the Journal, have been made:
ER6244

1. On page 1, line 5, "and testing" has been inserted after "eyesight".

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 551. Placed on Select File as amended.
E & R amendment to LB 551:
AM7131

1. In the Standing Committee amendments, AM1228:

a. On page 1, line 15, strike "29" and insert "28";

b. On page 2, strike beginning with the first "the" in line 3 through the comma in line 4 and insert "impairment of the health of humans or for the assessment of";

c. On page 3, line 8, after "education" insert "which may be"; in lines 9, 12, and 15 strike the comma; and in line 24 strike "in" and insert "at";

d. On page 4, line 3, strike the comma; and in line 13 strike "in" and insert "at";

e. On page 5, line 22, strike the comma;

f. On page 6, strike line 12 and insert “or impairment of the health of humans or for the assessment of the health”; in line 15 strike “do” and insert “shall” and strike “under”; in line 16 strike “this act” and strike “these settings” and insert “such locations”; in line 20 after “certificate” insert “or certificate”; and in line 21 strike “has met requirements” and insert “meets the requirements prescribed”;

g. On page 8, line 9, after “of” insert “a”; and in line 24 after “have” insert “been issued” and strike “under this act”;

h. On page 9, line 3, strike “pursuant to” and insert “which is accredited or certified as provided in”;

i. On page 10, line 7, strike “permit” and insert “certificate”; and in line 11 after “in” insert “section 15 of”;

j. On page 11, line 12, strike “manuals” and insert “manual”;

k. On page 14, line 8, strike the comma;

l. On page 18, line 5, strike “31” and insert “30”;

m. On page 19, line 1, strike “pursuant to” and insert “as required by section 15 of”; and strike “or” and insert “and”; in line 19 strike “appointed”; in line 20 after “that” insert “(a)”; and in line 23 strike “. The” and insert “and (b) the”;

n. On page 20, lines 2 and 3, strike the comma and insert a semicolon; and in line 23 strike “permit” and insert “certificate”;

o. On page 21, strike beginning with “to” in line 15 through “act” in line 16; and in line 24 strike “and”; and

p. On page 22, line 1, strike “remitted” and after “department” insert “and remitted”; and in line 2 strike “and” and insert “. The fees”.

2. On page 1, strike beginning with “to” in line 6 through the semicolon in line 7; in line 12 strike the second “and”; and in line 13 after “date” insert “; and to provide severability”.

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendment to LB 542:

AM7127

1. On page 6, line 18, strike the comma; in line 20 after "accountant" insert an underscored comma; and in line 21 strike "file" and after "audit" insert "shall be filed".

2. On page 7, line 2, strike "being"; in line 3 strike "examined"; and in line 8 strike "shall be" and insert "is".

LEGISLATIVE BILL 602. Placed on Select File as amended.
E & R amendment to LB 602:
AM7129

1. Because of the amendment of sections 39-2215, 66-473, and 66-605.02 by Laws 1989, LB 258, sections 3, 6, and 9, respectively, strike original sections 1, 4, and 5 and insert the following new sections:

"Section 1. That section 39-2215, Revised Statutes Supplement, 1989, be amended to read as follows:

39-2215. (1) There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund.

(2) All funds credited to the Highway Trust Fund pursuant to sections 66-473, 66-479, and 66-605.02 shall be allocated as provided in such sections. The State Treasurer shall make the transfer to the General Fund required by section 66-421.

(3) All other motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state other than those fees credited to the State Recreation Road Fund pursuant to section 60-302, and other highway-user taxes imposed by state law and allocated to the Highway Trust Fund, except for the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers credited to the fund pursuant to section 77-27,132, are hereby irrevocably pledged for the terms of the bonds issued prior to January 1, 1988, to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption and for any reserves therefor and shall, as received by the State Treasurer, be deposited

in the fund for such purpose.

(4) Of the money in the fund specified in subsection (3) of this section which is not required for the use specified in such subsection, (a) an amount equal to one dollar and fifty cents times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (b) an amount to be determined annually by the Legislature through the appropriations process shall be transferred to the License Plate Cash Fund as needed to meet the current obligations associated with the manufacture of license plates and stickers or tabs provided for in sections 60-311, 60-311.02, and 60-1804, as certified by the Director of Motor Vehicles, and (c) the remaining money may be used for the purchase for retirement of the bonds issued prior to January 1, 1988, in the open market or for any other lawful purpose.

(5) The State Treasurer shall monthly transfer, from the proceeds of the sales and use taxes credited to the Highway Trust Fund and any money remaining in the fund after the requirements of subsections (2) through (4) of this section are satisfied, (a) thirty thousand dollars to the Grade Crossing Protection Fund and (b) the amount calculated pursuant to section 13-1210 for financing the operating costs of public transportation systems to the Highway Cash Fund.

(6) Except as provided in subsection (7) of this section, the balance of the Highway Trust Fund shall be allocated fifty-three and one-third percent, less the amount provided for in section 39-847.01, to the Department of Roads, twenty-three and one-third percent, less the amount provided for in section 39-847.01, to the various counties for road purposes, and twenty-three and one-third percent to the various municipalities for street purposes. ~~The~~ If bonds are issued pursuant to subsection (2) of section 39-2223, the portion allocated to the Department of Roads shall be credited monthly to the Highway Restoration and Improvement Bond Fund, and if no bonds are issued pursuant to such subsection, the portion allocated to the department shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be credited monthly to the Highway

Allocation Fund and distributed monthly as provided by law. Vehicles accorded prorated registration pursuant to section 60-305.09 shall not be included in any formula involving motor vehicle registrations used to determine the allocation and distribution of state funds for highway purposes to political subdivisions.

(7) If it is determined by December 20 of any year that a county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries an amount in such year which is less than such county received in state-collected highway revenue in calendar year 1969, based upon the 1976 tax rates for highway-user fuels and registration fees, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1969 highway allocation for such year shall be transferred to such county from the Highway Trust Fund. Such makeup funds shall be matched by the county as provided in sections 39-2501 to 39-2510. The balance remaining in the fund after such transfer shall then be reallocated as provided in subsection (6) of this section.

(8) The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 and the earnings, if any, credited to the fund.

Sec. 4. That section 66-473, Revised Statutes Supplement, 1989, be amended to read as follows:

66-473. (1) Each dealer required by section 66-410 to pay motor vehicle fuel taxes shall, in addition to all other taxes provided by law, pay an excise tax at a rate set pursuant to section 66-476 for motor vehicle fuels, as defined in section 66-401, received, imported, produced, refined, manufactured, blended, or compounded by such dealer within the State of Nebraska as a motor vehicle fuel suitable for retail sale. All sums of money received under this section shall be credited to the Highway Trust Fund. Credits and refunds of such tax allowed to dealers shall be paid from the Highway Trust Fund. The balance of the amount credited, after credits and refunds, shall be allocated to the Highway Restoration and Improvement Bond Fund if bonds are issued pursuant to subsection (2) of section 39-2223 and to the Highway Cash Fund if no bonds are issued pursuant to such subsection.

(2) Dealers of motor vehicle fuels subject to taxation under subsection (1) of this section shall pay such excise tax and shall make a report concerning the tax in like manner, form, and time and be allowed the same exemptions, deductions, and rights of reimbursement as are authorized dealers for taxes paid pursuant to Chapter 66, article 4.

Sec. 5. That section 66-605.02, Revised Statutes Supplement, 1989, be amended to read as follows:

66-605.02. (1) Each special fuel dealer as defined in subdivision (6) of section 66-602 shall, in addition to all other taxes provided by law, pay an excise tax at a rate set pursuant to section 66-476 for special fuels as defined in Chapter 66, article 6, and subject to taxation under section 66-605. All sums of money received under this section shall be credited to the Highway Trust Fund. Credits and refunds of such tax allowed to special fuel dealers shall be paid from the Highway Trust Fund. The balance of the amount credited, after credits and refunds, shall be allocated to the Highway Restoration and Improvement Bond Fund if bonds are issued pursuant to subsection (2) of section 39-2223 and to the Highway Cash Fund if no bonds are issued pursuant to such subsection.

(2) Special fuel dealers subject to taxation under subsection (1) of this section shall pay such excise tax and shall make a report concerning the tax in like manner, form, and time and be allowed the same exemptions, deductions, and rights of reimbursement as are authorized dealers for taxes paid pursuant to Chapter 66, article 6.".

2. On page 1, line 2, strike "sections 39-2215 and" and insert "section"; in line 3 strike "and"; strike line 4 and insert "section 66-424,"; and in line 5 after "1988" insert ", and sections 39-2215, 66-473, and 66-605.02, Revised Statutes Supplement, 1989".

3. On page 11, line 19, strike "sections 39-2215 and" and insert "section"; in line 21 strike "and sections" and insert "section" and strike "66-473, and 66-605.02,"; and in line 22 after the last comma insert "and sections 39-2215, 66-473, and 66-605.02, Revised Statutes Supplement, 1989,".

4. On page 7, line 25, after "which" insert "fund".

5. On page 8, line 5; and page 9, line 7, after the period insert paragraphing.

LEGISLATIVE BILL 858. Placed on Select File.
LEGISLATIVE BILL 875. Placed on Select File.
LEGISLATIVE BILL 891. Placed on Select File.
LEGISLATIVE BILL 1013. Placed on Select File.
LEGISLATIVE BILL 983. Placed on Select File.
LEGISLATIVE BILL 906. Placed on Select File.

LEGISLATIVE BILL 907. Placed on Select File as amended.
E & R amendment to LB 907:
AM7128

1. On page 2, line 17, strike the semicolon, show as stricken, and insert an underscored comma.

LEGISLATIVE BILL 984. Placed on Select File as amended.
E & R amendment to LB 984:
AM7136

1. On page 1, line 9, strike "and redefine" and insert ", redefine, and eliminate certain"; and in line 11 strike "and" and insert "authorized by the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act;".

2. On page 2, lines 3 and 4, strike "the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act" and insert "such act"; and in line 5 after the semicolon insert "to eliminate a provision relating to losses paid by a ceding insurer;".

LEGISLATIVE BILL 856. Placed on Select File as amended.
E & R amendment to LB 856:
AM7132

1. On page 1, line 6, after "certain" insert "state and"; and in line 10 after the semicolon insert "to eliminate provisions requiring safety valves on

receptacles holding certain gases; to eliminate a penalty;”.

2. On page 2, line 17, strike “Chairman”, show as stricken, and insert “Chairperson”.

3. On page 4, line 1, strike “of” and insert “for”.

4. On page 11, line 1, after the second comma insert “and”.

LEGISLATIVE BILL 851. Placed on Select File.

LEGISLATIVE BILL 957. Placed on Select File as amended.
E & R amendment to LB 957:
AM7133

1. On page 3, line 11, strike “any such city” and insert “the city of the second class”.

2. On page 5, strike lines 12 through 17, show as stricken, and insert “32-4,146 to 32-4,151, 32-504, 32-512, and 32-513.”; and in line 19 strike the first comma and show as stricken.

3. On page 8, strike lines 14 through 19, show as stricken, and insert “32-4,146 to 32-4,151, 32-504, 32-512, and 32-513.”.

4. Strike the duplicate matter beginning with page 8, line 23, through page 13, line 22.

LEGISLATIVE BILL 964. Placed on Select File.

LEGISLATIVE BILL 966. Placed on Select File as amended.
E & R amendment to LB 966:
AM7130

1. On page 1, line 1, after “cities” insert “of the first class”.

2. On page 3, line 7, strike the comma and show as stricken.

LEGISLATIVE BILL 997. Placed on Select File.

LEGISLATIVE BILL 857. Placed on Select File as amended.
E & R amendment to LB 857:
AM7134

1 On page 2, line 21, strike “are” and insert “shall be”.

LEGISLATIVE BILL 874. Placed on Select File as amended.
E & R amendment to LB 874:
AM7135

1. On page 3, line 2, reinstate the stricken comma; in line 5 after "board" insert an underscored comma; and in line 6 strike beginning with "on" through the first comma and show as stricken.

LEGISLATIVE BILL 893. Placed on Select File.

LEGISLATIVE BILL 918. Placed on Select File as amended.
E & R amendment to LB 918:
AM7142

1. Insert the following new section:

"Sec. 3. That section 35-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-509. (1) The board of directors shall have the power and duty to determine ~~upon~~ a general fire protection and rescue policy for the district and shall annually fix the amount of money for the proposed budget statement as may be deemed sufficient and necessary in carrying out such contemplated program for the ensuing fiscal year, including the amount of principal and interest upon the indebtedness of the district for the ensuing year. After the adoption of the budget statement, the president and secretary of the district shall certify the amount of tax to be levied which the district requires for the adopted budget statement for the ensuing year~~,~~ to the proper county clerk or county clerks~~,~~ on or before June 30 of each year. Such clerk or clerks ~~, who~~ shall levy a tax not to exceed three and one-half cents on each one hundred dollars upon the actual value of all the taxable property in such district, except intangible property, when the district is a rural fire protection district, which levy may be increased to not to exceed seven cents by a majority vote of the eligible voters present at the annual district meeting, and not to exceed ten and one-half cents on each one hundred dollars upon the actual value of all the taxable property in such district, except intangible property, when the district is a suburban fire protection district, for the maintenance of the fire protection district for the fiscal year as provided by law, plus such levy as is authorized to be made under subdivision ~~(12)~~ (13) of section 35-508. ~~Said~~ The tax shall be ~~(a)~~ collected as other taxes are collected in the county, ~~(b)~~ deposited with the county treasurer, and ~~(c)~~ placed to the credit of the rural or suburban fire protection district~~, as the case may be,~~ so authorizing the same to be paid to the secretary-treasurer of such district, as is provided for by subsection (3) of this section, or to be remitted to the county treasurer of the county in which the greater portion of the district is located, as is provided for by subsection (2) of this section.

(2) All such taxes~~,~~ collected or received for the district by the treasurer of any other county than the one in which the greater portion of the district is located~~,~~ shall be remitted ~~by him~~ to the treasurer of the county in which the greater portion of the district is located at least quarterly. All such taxes collected or received shall be placed to the credit of such district in the treasury of the county in which the greater portion of the district is located.

(3) It shall be the duty of the secretary-treasurer of the district to apply for and receive from the county treasurer of the county where collected or from the county treasurer of the county in which the greater portion of the district is located, if such district is located in more than one county, all money to the credit of the rural or suburban fire protection district or collected for the same by such county treasurer, upon an order of the treasurer countersigned by the president of such district. The money shall be paid out upon warrants drawn upon the secretary-treasurer by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president of the rural or suburban fire protection district.

(4) In no case shall the amount of tax levy exceed the amount of funds to be received from taxation according to the adopted budget statement of the district.".

2. On page 1, line 3, strike "and" and insert a comma and after "35-508" insert ", and 35-509"; and in

line 8 after the first semicolon insert "to harmonize provisions;".

3. On page 5, line 2, after "and" insert "to"; and in line 16 after "the" insert "rural or suburban fire protection".

4. On page 6, line 15, strike "and" and insert a comma; and in line 16 after the first comma insert "and 35-509,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 930. Placed on Select File as amended.
E & R amendment to LB 930:
AM7138

1. On page 2, line 9, strike "life", show as stricken, and insert "lives"; in line 10 after "(3)" insert "at"; and in line 16 after "state" insert "to the Governor or Adjutant General".

LEGISLATIVE BILL 970. Placed on Select File.

LEGISLATIVE BILL 940. Placed on Select File as amended.
E & R amendment to LB 940:
AM7137

1. On page 5, line 4, after "governing" insert "the"; and in line 5 after "of" insert "such".

LEGISLATIVE BILL 902. Placed on Select File.

LEGISLATIVE BILL 974. Placed on Select File as amended.
E & R amendment to LB 974:
AM7141

1. On page 3, line 19, strike "subsection", show as stricken, and insert "subdivision".

2. On page 4, line 23; and page 5, lines 5 and 12, strike "section", show as stricken, and insert "subsection".

3. On page 5, line 5, strike "the purpose", show as stricken, and insert "purposes"; in line 7 strike "includes" and insert "shall include"; and in line 12 strike the first "the" and show as stricken.

LEGISLATIVE BILL 1016. Placed on Select File.
LEGISLATIVE BILL 1017. Placed on Select File.

LEGISLATIVE BILL 969. Placed on Select File.
LEGISLATIVE BILL 896. Placed on Select File.
LEGISLATIVE BILL 965. Placed on Select File.

LEGISLATIVE BILL 924. Placed on Select File as amended.
E & R amendment to LB 924:
AM7140

1. On page 3, line 14, strike "of the State of Nebraska" and show as stricken; and in line 17 after "bond" insert "or other evidence of indebtedness".

2. On page 4, line 14, strike "(a)" and insert "(1)"; in line 19 strike "(b)" and insert "(2)"; and in line 24 strike "(c)" and insert "(3)".

3. On page 5, line 3, strike "(d)" and insert "(4)"; and in line 13 strike "and" and show as stricken.

LEGISLATIVE BILL 1118. Placed on Select File.
LEGISLATIVE BILL 1043. Placed on Select File.
LEGISLATIVE BILL 1044. Placed on Select File.

LEGISLATIVE BILL 1076. Placed on Select File as amended.
E & R amendment to LB 1076:
AM7139

1. On page 2, line 8, strike "to", show as stricken, and insert "may".

LEGISLATIVE BILL 1098. Placed on Select File.
LEGISLATIVE BILL 852. Placed on Select File.
LEGISLATIVE BILL 872. Placed on Select File.
LEGISLATIVE BILL 1022. Placed on Select File.
LEGISLATIVE BILL 1063. Placed on Select File.
LEGISLATIVE BILL 1070. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1066A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1066, Ninety-first Legislature, Second Session, 1990.

MESSAGE FROM THE GOVERNOR

February 7, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 399, 821, 822, 823, 824, 825, 826, 827, 828, and 829 were received in my office on February 2, 1990.

These bills were signed by me on February 7, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 90006

DATE: February 6, 1990

SUBJECT: LB No. 869, Limitations on Asbestos Disposal

REQUESTED BY: Senator Glenn Goodrich,
District 20
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Linda L. Willard, Assistant Attorney General

You have asked us to review the constitutionality of LB 869 as it relates to the United States Supreme Court case entitled City of Philadelphia v. New Jersey, 437 U.S. 617, 98 S.Ct. 2531, 57 L.Ed.2d 475 (1978). LB 869 would prohibit the disposal of any asbestos or waste containing asbestos from outside the state at any disposal site within this state. It is our determination after review that this legislative bill is probably unconstitutional based on the Supreme Court's reasoning in the above cited case.

In the City of Philadelphia case the Court was presented with a question of whether the State could prohibit the importation of most solid or liquid waste which originated or was collected outside the territorial limits of the State. The Court determined that the New Jersey law was in violation of the Commerce Clause of the United States Constitution. In reaching its decision, the Court cited two earlier cases which held ". . . a State may not accord its own inhabitants a preferred right of access over consumers in other States to natural resources located within its borders." (Citations omitted) 437 U.S. at 627.

The Court noted that "What is crucial is the attempt by one State to isolate itself from a problem common to many by erecting a barrier against the movement of interstate trade." Id. at 628. Finally, the Court explained the necessity of the Commerce Clause in stating "Today, cities in Pennsylvania and New York find it expedient or necessary to send their waste into New Jersey for disposal, and New Jersey claims the right to close its borders to such traffic. Tomorrow, cities in New Jersey may find it expedient or necessary to send their waste into Pennsylvania or New York for disposal, and those states might then claim the right to close their borders. The Commerce Clause will protect New Jersey in the future, just as it protects her neighbors now, from efforts by one State to isolate itself in the stream of interstate commerce from a problem shared by all." Id. at 629

Based on the decision in City of Philadelphia v. New Jersey, supra, it is our determination that LB 869 would be in violation of the Commerce Clause of the Constitution of the United States of America.

Respectfully yours,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1989 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Middle Niobrara	
Coupland Law Office	2,630.00

REPORT

Received report from the Judiciary Committee pursuant to Section 18 of LB 761, 1989, regarding a study of liability issues related to the disposal of low-level radioactive waste.

RESOLUTIONS

LEGISLATIVE RESOLUTION 252. Read. Considered.

Ms. Scofield asked unanimous consent to have her name added as co-introducer to LR 252. No objections. So ordered.

LR 252 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 253. Read. Considered.

LR 253 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 346. Title read. Considered.

Mr. Hall renewed his pending amendment, AM2025, found in the Journal on page 128.

The Hall amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Conway offered the following amendment:
AM2322

1. On page 3, line 13, after "state" insert "or within twenty-five miles of the student's residence if the school is located outside the state".

MR. HANNIBAL PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud
Baack
Beck
Bernard-Stevens
Chambers
Chizek
Conway
Crosby
Dierks
Haberman
Hall
Hartnett
Kristensen
Lindsay
Lynch
Peterson
Rogers
Withem

Voting in the negative, 12:

Hannibal
Johnson, L.
Korshoj
Lamb
Langford
Moore
Morrissey
Nelson
Pirsch
Smith
Warner
Wesely

Present and not voting, 15:

Beyer
Byars
Coordsen
Elmer
Goodrich
Hefner
Johnson, R.
Labedz
Landis
McFarland
Robak
Schellpeper
Scofield
Wehrbein
Weihing

Excused and not voting, 4:

Ashford
Barrett
Schimek
Schmit

The Conway amendment lost with 18 ayes, 12 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Warner, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud
Beck
Bernard-Stevens
Byars
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Kristensen
Labedz
Langford
Lindsay
Lynch
Moore
Peterson
Pirsch
Robak
Rogers
Schellpeper
Wehrbein
Withem

Voting in the negative, 17:

Baack
Barrett
Chambers
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Morrissey
Nelson
Scofield
Smith
Weihing
Wesely

Present and not voting, 4:

Beyer
Coordsen
Goodrich
McFarland

Excused and not voting, 5:

Ashford
Landis
Schimek
Schmit
Warner

Failed to advance to E & R for review with 23 ayes, 17 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1243.

LB	**Committee**
1243	Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance

Governor Appointment Tuesday, February 20, 1990 1:30 p.m.
K. Kirk Jamison - Nebraska Investment Council

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM2462

1. Insert the following new sections:

“Sec. 2. That section 71-1902, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1902. No person shall furnish~~,~~ or offer to furnish~~,~~ child care for two or more children from different families without having in full force and effect a written license issued by the department upon such terms and conditions as may be prescribed by general rules and regulations adopted and promulgated by the department. After the effective date of this act, no license shall be issued pursuant to this section unless the applicant has completed the required hours of training in foster care as prescribed by the department. All licenses issued under sections 71-1901 to 71-1905 shall expire one year from the date of issuance and shall be subject to renewal under the same terms and conditions as the original license. After the effective date of this act, no license issued pursuant to this section shall be renewed unless the licensee has completed the required hours of training in foster care as prescribed by the department in the preceding twelve months. For the issuance or renewal of each license, the department shall charge a fee of twenty-five dollars for group homes, twenty-five dollars for child-caring agencies, and twenty-five dollars for child-placing agencies. A license may be revoked for cause, after notice and hearing, in accordance with ~~such~~ rules and regulations ~~as may be prescribed~~ adopted and promulgated by the department.

For purposes of this section:

(1) Foster family home shall mean any home which provides twenty-four-hour care to children who are not related to the foster parent by blood or adoption;

(2) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four-hour care for individuals in a residential setting;

(3) Child-caring agency shall mean an organization which is incorporated for the purpose of providing care for children in buildings maintained by the organization for that purpose; and

(4) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.

Sec. 3. That section 71-1904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1904. The department shall ~~make such~~ adopt and promulgate rules and regulations~~, consistent with~~ pursuant to sections 71-1901 to 71-1905~~, as it shall deem necessary~~ for (1) the proper care and protection of children by licensees under ~~said~~ such sections, (2) the issuance, suspension, and revocation of licenses to carry on the business of child care, ~~and~~ (3) the provision of training in foster care, which training shall be directly related to the skills necessary to care for children in need of out-of-home care, including, but not limited to, abused, neglected, dependent, and delinquent children, and (4) proper administration of ~~said~~ such sections. The training required by subdivision (3) of this section shall be between twelve and twenty-four hours as determined by the department.

Sec. 4. Funds of the department may be used to defray the reasonable expenses incurred in the recruitment, training, and recognition of foster care providers and volunteers, including expenses incurred for community forums, public information sessions, and similar administrative functions.

Sec. 5. That original section 71-1904, Reissue Revised Statutes of Nebraska, 1943, and section

71-1902, Revised Statutes Supplement, 1988, are repealed.".

2. Insert underscoring in original section 1.

Mr. Warner asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

AM2464

(Amendments to AM2221)

1. Insert the following new sections:

"Sec. 6. Any person owning, operating, or traveling in any vehicle which exceeds the maximum weight carrying capacity or load limit conspicuously posted or attached to any bridge within the jurisdiction or under the administration or control of any city or village shall not have a claim against or recover damages from such city or village for any claim or injury arising out of the vehicle being upon or crossing such bridge.

Sec. 7. The Revisor of Statutes shall assign section 6 of this act to Chapter 39, article 8.".

2. Renumber the remaining section accordingly.

Mr. Beyer asked unanimous consent to print the following amendment to LB 369 in the Journal. No objections. So ordered.

AM2477

(Amendments to AM2452)

1. On page 9, line 12, strike beginning with "an" through "by".

2. On page 10, strike beginning with "fee" in line 16 through "plate" in line 17.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 1186. Placed on General File as amended.

Standing Committee amendment to LB 1186:

AM2449

1. On page 2, line 21, before "When" insert "(1)"; and in lines 23 through 25 strike the new matter.

2. On page 3, lines 1 and 2, strike the new matter; after line 13 insert the following new

subsection:

"(2) When a person has been convicted in any court in this state of any traffic offense, there shall be assessed as part of the court costs a fee of three dollars, which amount shall be collected by the clerk of the court and remitted to the State Treasurer for credit to the Emergency Medical Services System Fund."; and in line 15 strike "Money in the fund" and insert "The fund shall be administered by the Department of Health and".

(Signed) Howard Lamb, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 93. Indefinitely postponed.
LEGISLATIVE BILL 100. Indefinitely postponed.
LEGISLATIVE BILL 454. Indefinitely postponed.
LEGISLATIVE BILL 461. Indefinitely postponed.
LEGISLATIVE BILL 529. Indefinitely postponed.
LEGISLATIVE BILL 560. Indefinitely postponed.
LEGISLATIVE BILL 578. Indefinitely postponed.
LEGISLATIVE BILL 593. Indefinitely postponed.
LEGISLATIVE BILL 647. Indefinitely postponed.
LEGISLATIVE BILL 771. Indefinitely postponed.
LEGISLATIVE BILL 1008. Indefinitely postponed.
LEGISLATIVE BILL 1027. Indefinitely postponed.
LEGISLATIVE BILL 1045. Indefinitely postponed.
LEGISLATIVE BILL 1078. Indefinitely postponed.
LEGISLATIVE BILL 1110. Indefinitely postponed.
LEGISLATIVE BILL 1123. Indefinitely postponed.

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1019. Placed on General File.

LEGISLATIVE BILL 517. Indefinitely postponed.
LEGISLATIVE BILL 1048. Indefinitely postponed.
LEGISLATIVE BILL 1081. Indefinitely postponed.

LEGISLATIVE RESOLUTION 13CA. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1010A. Introduced by Ashford, 6th District; McFarland, 28th District; Chambers, 11th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1010, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 1085A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1085, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 1064A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1064, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1199. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 922. Title read. Considered.

Standing Committee amendment, AM2407, found in the Journal on page 678 for the Twenty-Third Day, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1064. Title read. Considered.

Mr. Wesely offered the following amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2487.)

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 163. Mrs. Beck withdrew her pending amendment, AM2266, found in the Journal on page 548.

Mr. Haberman withdrew his pending amendment, AM2158, found in the Journal on page 433.

Mr. Hefner renewed his pending amendment (1), AM2356, found in the Journal on page 599.

Messrs. Hall, Coordsen, and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud
Barrett
Beck
Beyer
Byars
Crosby
Dierks
Elmer
Hannibal
Hefner
Johnson, L.
Johnson, R.
Lamb
Landis
Langford
Moore
Nelson
Peterson
Pirsch
Rogers
Schellpeper
Smith
Wehrbein
Weihing
Wesely

Voting in the negative, 4:

Chambers
Korshoj
McFarland
Morrissey

Present and not voting, 10:

Baack
Bernard-Stevens
Conway
Hartnett
Kristensen
Lindsay
Lynch
Robak
Scofield
Withem

Absent and not voting, 1:

Goodrich

Excused and not voting, 9:

Ashford
Chizek
Coordsen
Haberman
Hall
Labedz
Schimek
Schmit
Warner

The Hefner amendment was adopted with 25 ayes, 4 nays, 10 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2471

1. Strike the Morrissey amendment, AM2314, and all amendments thereto and insert the following new sections:

"Sec. 8. The Department of Environmental Control, with the advice and consent of the Environmental Control Council, shall contract for the preparation of a comprehensive solid waste management plan. Such plan shall be contracted for and prepared within one year after the effective date of this act.

It is the intent of the Legislature that in preparation of the plan the state consider the following hierarchy of criteria: (1) Volume reduction at the source: (2) recycling, reuse, and vegetative waste composting; (3) incineration with energy resource recovery; (4) incineration for volume reduction; and (5) land disposal.

It is the intent of the Legislature that the plan be used as a guide to assist political subdivisions in the planning and implementation of their individual, joint, or regional solid waste management systems. The state plan shall not supersede or impair plans, agreements, or contracts initiated by political subdivisions prior to the effective date of this act.

The Environmental Control Council shall adopt and promulgate rules and regulations for solid waste management options which comply with Environmental Protection Agency rules and guidelines, including rules and guidelines promulgated pursuant to the 1984 hazardous and Solid Waste Amendments to Subtitle D of the Federal Resource Recovery and Conservation Act of 1976 as amended, 42 U.S.C. 6901 et seq.

Sec. 9. There is hereby appropriated five hundred thousand dollars from the General Fund for FY1990-91 and five hundred thousand dollars from the General Fund for FY1991-92, to the Department of Environmental Control, to prepare and implement the plan prescribed in section 9 of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

Ms. Schimek asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2485

1. Insert the following new sections:

"Sec. 2. The Legislature further recognizes the emerging crisis of solid waste disposal facing the state and its communities and the urgent need for a comprehensive strategic plan to reduce solid waste, encourage recycling, create markets, and develop methods for cleaner and safer landfills.

Sec. 3. There is hereby created within the Legislative Council a committee to direct and oversee the formulation of a State Comprehensive Solid Waste Management Plan. The committee shall provide technical assistance and serve as a clearinghouse for efforts to formulate the State Comprehensive Solid Waste Management Plan and serve as a liaison among the Department of

Environmental Control, political subdivisions, other governmental agencies, and private entities. The committee shall consist of:

(1) Five members of the Legislature, to be appointed by the Executive Board of the Legislative Council within fifteen days after the effective date of this act. One such member shall, at the time the appointment is made, be a member of the Agriculture Committee, one the Appropriations Committee, one the Business and Labor Committee, one the Natural Resources Committee, and one the Urban Affairs Committee;

(2) One representative from the Department of Energy, to be appointed by the Director of Energy;

(3) One representative from the Department of Environmental Control, to be appointed by the Director of Environmental Control;

(4) One representative from the Department of Health, to be appointed by the Director of Health;

(5) One representative from the Nebraska Association of County Officials, to be appointed by the members of the board of directors of the association;

(6) One representative from the League of Municipalities, to be appointed by the members of the board of directors of the league;

(7) One representative from the Nebraska Association of Resource Districts, to be appointed by the members of the board of directors of the association; and

(8) One representative from each of the following groups: Environmental; recycling; business; labor; and medicine, to be appointed by the members of the committee appointed pursuant to subdivisions (1) through (7) of this section. The appointments shall be made within thirty days after the effective date of this act. Any vacancy shall be filled by the appointing body or official for the remainder of the term. The member of the committee serving on the Appropriations Committee of the Legislature shall serve as chairperson of the committee created pursuant to this section until the members of the committee elect a chairperson and vice-chairperson from among themselves.

The committee may utilize the staff of the Legislative Fiscal Analyst and the Legislature to assist it in carrying out its duties under sections 2 to 8 of this act. Members of the committee shall be reimbursed for their actual and necessary expenses as provided in section 81-1174 to 81-1177.

Sec. 4. The committee created pursuant to section 3 of this act and any advisory body it may create shall cease to exist on January 1, 1992.

Sec. 5. The committee created pursuant to section 3 of this act shall formulate a State Comprehensive Solid Waste Management Plan for Nebraska. The committee shall select and the Legislative Council shall contract with an individual, entity, or organization to assist in formulating the plan.

Sec. 6. The State Comprehensive Solid Waste Management Plan shall consider the following: (1) Volume reduction at the source; (2) recycling, reuse, and vegetative waste composting; (3) incineration with energy resources recovery; (4) incineration for volume reduction: and (5) land disposal.

Sec. 7. (1) The committee created pursuant to section 3 of this act shall submit a written report to the Legislature on December 1, 1990, outlining proposals and recommendations which address solid waste management issues. The committee may continue investigating other possible alternatives for the duration of its existence.

(2) The report required by subsection (1) of this section shall include cost estimates of the financial impact of any recommended changes, a strategic plan for the future of solid waste management in the state, and the identification of an ongoing process for the development and implementation of such a plan.

(3) After the submission of the report, the committee shall forward it to the Governor and other interested parties in the state by December 15, 1990, along with any additional or different recommendations the committee may have.

Sec. 8. Expenditures for carrying out the duties of the committee created pursuant to section 3 of this act, including employment of a contractor, shall be appropriated to the Legislative Council from the General Fund. The Legislature shall appropriate from the General Fund for FY1990-91 five hundred thousand dollars for such purpose and for FY1991-92 five hundred thousand dollars for such purpose. If at least five hundred thousand dollars is appropriated for purposes of this section, such funds shall be used for preparation of a State Comprehensive Solid Waste Management Plan.

Such incidental expenses as deemed necessary for functions of the committee may also be appropriated to and accounted for by a separate subprogram from the agency's operating expenses.".

2. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 853. Placed on General File.

LEGISLATIVE BILL 944. Placed on General File as amended.
Standing Committee amendment to LB 944:
AM2472

1. On page 2, strike beginning with the first comma in line 6 through "unit" in line 10 and insert "five or more existing housing units at a single site to be used for dwelling purposes".

LEGISLATIVE BILL 1106. Placed on General File as amended.
Standing Committee amendment to LB 1106:
AM2412

1. Insert the following new section:

"Sec. 3. That section 14-3,127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-3,127. In any of the improvements or alterations authorized by the provisions of sections 14-363, 14-364, 14-384 to 14-3,102, and 14-3,107 to 14-3,127, wherein any of the cost of ~~said~~ the improvements or alterations is to be assessed in whole or in part to the abutting property owners, the record owners of a majority of the frontage of the taxable abutting property may, by petition filed with the city, within thirty days after notice of ~~said improvement or alteration~~ the improvements or alterations, protest against such ~~improvement or alteration~~ improvements or alterations and when such petition is filed the ~~improvement or alteration~~ improvements or alterations shall not be done.".

2. On page 6, line 9, after the first comma

insert “14-3,127”.

3. Renumber remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 141 in the Journal. No objections. So ordered.

AM2467

1. On page 2, line 12, strike “anywhere throughout”, show as stricken, and insert “quasi-public property of” and after the period insert “For purposes of this subsection, quasi-public property shall mean any commercial, industrial, recreational, or residential property open to motor vehicle access by the general public which is not the exclusive private property of the operator of the motor vehicle.”.

Mr. Kristensen asked unanimous consent to print the following amendments to LB 159 in the Journal. No objections. So ordered.

(1)

AM2285

1. In the Kristensen amendment, FA332, on page 1, line 12, strike “public entities” and insert “political subdivisions”.

2. In the Kristensen amendment, FA333, on page 1, line 17, strike “public entities” and insert “state agencies”.

3. On page 8, after line 3, insert the following new subsection:

“(6) This section shall not apply to actions in which liability is joint and several pursuant to section 3 of this act, but nothing in this section shall affect the right of reallocation among defendants in an action for contribution pursuant to section 10 of this act.”.

(2)

AM2480

1. Insert the following new section:

“Sec. 12. (1) This section shall apply

whenever (a) an action is brought against the state or a political subdivision which is joined with an action against a private party, (b) the actions are governed by sections 1 to 10 of this act, (c) the action brought against the state or political subdivision is to be determined by the court without a jury, and (d) the action against a party or parties other than the state or political subdivision is to be tried to a jury.

(2) Actions governed by this section shall be heard and determined as follows:

(a) The jury shall make the findings required by subsection (1) of section 4 of this act and, in determining the percentage of fault allocated to each party, shall include all parties including the state or political subdivision; and

(b) The court, after considering the findings of the jury, shall enter judgment as follows: (i) Against the parties other than the state or political subdivision in accordance with the findings of the jury; and (ii) against the state or political subdivision in an amount as determined by the court after taking into account the court's determination of the percentage of fault which the court allocates to all parties.”.

2. In the Kristensen amendment, FA332, strike section 12.

3. Strike the Kristensen amendment, FA333.

4. In the Kristensen amendment, FA334, on page 2, strike lines 21 through 23 and insert “‘sections 25-702 and’.”.

5. Renumber the remaining sections accordingly.

(3)

AM2481

1. Insert the following new section:

“Sec. 12. (1) This section shall apply whenever (a) an action is brought against the state or a political subdivision which is joined with an action against a private party, (b) the actions are governed by sections 1 to 10 of this act, (c) the action brought against the state or political subdivision is to be determined by the court without a jury, and (d) the action against a party or parties other than the state or political subdivision is to be tried to a jury.

(2) Actions governed by this section shall be heard and determined as follows:

(a) The jury shall make the findings required by subsection (1) of section 4 of this act and, in determining the percentage of fault allocated to each party, shall include all parties including the state or political subdivision; and

(b) The court, after considering the findings of the jury, shall enter judgment as follows: (i) Against the parties other than the state or political subdivision in accordance with the findings of the jury; and (ii) against the state or political subdivision, if found liable by the court, in an amount as determined by the court after taking into account the court's determination of the amount of damages the claimant is entitled to recover and of the percentage of fault which the court allocates to all parties.".

2. In the Kristensen amendment, FA332, strike section 12.

3. Strike the Kristensen amendment, FA333.

4. In the Kristensen amendment, FA334, on page 2, line 21, strike "13-907," and the second comma; and strike beginning with the semicolon in line 21 through the quotation marks in line 23.

5. Renumber the remaining sections accordingly.

(4)

AM2465

1. Insert the following new section:

"Sec. 3. A defendant shall not be liable if the claimant assumed the risk of injury to person or harm to property. Assumption of risk shall mean that the claimant (1) knew of the risk, (2) understood the risk, and (3) voluntarily exposed himself or herself to the danger which proximately caused the injury or damage.".

2. On page 3, lines 1 and 21; page 4, line 10; page 11, line 13; page 12, line 7; and page 13, line 1, strike "10" and insert "11".

3. On page 4, line 23; and page 5, lines 8 and 18, strike "7" and insert "8".

4. On page 6, line 7; page 9, lines 22 and 25; and page 11, lines 4 and 23, strike "4" and insert

"5".

5. On page 8, line 7, strike "5" and insert "6".

6. On page 10, line 2, strike "6" and insert "7".

7. In the Kristensen amendment, FA332, on page 1, line 13; and page 3, line 3, strike "10" and insert "11".

8. In the Kristensen amendment, FA334, on page 4, line 17, strike "4" and insert "5".

9. Renumber the remaining sections accordingly.

(5)

AM2229

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 7 of this act shall apply to all civil actions for damages arising out of injury to or death of a person or harm to property regardless of the theory of liability.

Sec. 2. For purposes of sections 1 to 7 of this act:

(1) Claimant shall mean any person who brings or maintains an action described in section 1 of this act. If such action is brought through or on behalf of an estate, claimant shall include the claimant's decedent. If such action is brought through or on behalf of a minor, claimant shall include the claimant's parent or guardian;

(2) Collateral source shall mean a benefit paid or payable to the claimant or on his or her behalf under, from, or pursuant to:

(a) The federal Social Security Act;

(b) Any state or federal income replacement, disability, workers' compensation, or other statute designed to provide partial or full wage or income replacement;

(c) Any sickness or accident insurance, income or wage replacement insurance, disability income insurance, casualty or property insurance including automobile accident and homeowners' insurance benefits, or any other insurance benefits except life insurance benefits;

(d) Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or other health care services or provide similar benefits; or

(e) Any contractual or voluntary wage continuation plan or payments made pursuant to such a plan provided by an employer or otherwise or any other plan or system intended to provide wages during a period of disability;

(3) Economic damages shall mean objectively verifiable monetary losses, including medical expenses, loss of earnings, funeral costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities; and

(4) Noneconomic damages shall mean subjective, nonmonetary losses, including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation, but shall not include economic damages.

Sec. 3. Any contributory negligence chargeable to the claimant shall diminish proportionately the amount awarded as damages for an injury attributable to the claimant's contributory negligence but shall not bar recovery, except that if the contributory negligence of the claimant is equal to or greater than the total negligence of all persons against whom recovery is sought, the claimant shall be totally barred from recovery.

Sec. 4. A defendant shall not be liable if the claimant was aware or with the knowledge of persons similarly situated should have been aware that there was a risk of injury to a person or harm to property and proceeded voluntarily to expose himself or herself to such risk.

Sec. 5. In an action involving more than one defendant, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to that defendant in direct proportion to that defendant's percentage of fault, and a separate judgment shall be rendered against that defendant for that amount.

Sec. 6. A release, covenant not to sue, or similar agreement entered into by a claimant and a person liable shall discharge that person from all liability to the claimant but shall not discharge any other persons liable upon the same claim unless it so provides. The claim of the claimant against other persons shall be reduced by the amount of the released person's share of the obligation as determined by the trier of fact.

Sec. 7. (1) The court shall allow the admission into evidence of proof of collateral source payments which have already been made or which are substantially certain to be made to the claimant as compensation for the same damages sought in the suit. Proof of such payments shall be considered by the trier of fact in arriving at the amount of any award and shall be considered by the court in reviewing awards made for excessiveness.

(2) The trier of fact shall be informed of the tax implications of all damages awards. The trier of fact may hear evidence of the premiums personally paid by the claimant to obtain any collateral sources paid or payable.

Sec. 8. Sections 1 to 7 of this act shall apply to actions that accrue on or after the operative date of this act. Actions accruing prior to such date shall be governed by the laws in effect immediately prior to such date.

Sec. 9. That section 13-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-901. Sections 13-901 to 13-926 and section 11 of this act shall be known and may be cited as the Political Subdivisions Tort Claims Act.

Sec. 10. That section 13-910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-910. The Political Subdivisions Tort Claims Act and sections ~~Sections 13-901 to 13-926,~~ 16-727, 16-728, 23-175, 39-809, and 79-489 shall not apply to:

(1) Any claim based upon an act or omission of an employee of a political subdivision, exercising due care, in the execution of a statute, ordinance, or officially adopted resolution, rule, or regulation, whether or not such statute, ordinance, resolution, rule, or regulation be valid;

(2) Any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of the political subdivision or an employee of the political subdivision, whether or not the discretion be abused;

(3) Any claim based upon the failure to make an inspection or making an inadequate or negligent inspection of any property other than the property of the political subdivision to determine whether the property complies with or violates any statute, ordinance, rule, or regulation or contains a hazard to public health or safety;

(4) Any claim arising in respect to the assessment or collection of any tax or fee~~,~~ or the detention of any goods or merchandise by any law enforcement officer;

~~(4)~~ (5) Any claim caused by the imposition or establishment of a quarantine by the state or a political subdivision, whether such quarantine relates to persons or property;

~~(5)~~ (6) Any claim arising out of assault, battery, false arrest, false imprisonment, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights; or

~~(6)~~ (7) Any claim by an employee of the political subdivision which is covered by the Nebraska Workers' Compensation Act.

Sec. 11. An employee of a political subdivision acting within the scope of his or her office or employment shall not be liable for damages resulting from the failure to make an inspection or making an inadequate or negligent inspection of any property other than the property of the political subdivision to determine whether the property complies with or violates any statute, ordinance, rule, or regulation or contains a hazard to public health or safety.

Sec. 12. That section 39-619, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

39-619. (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic-control device or any railroad sign or signal or any part thereof.

(2) Any person who moves, alters, damages, or destroys warning devices placed upon roads which the Department of Roads or any local authority or its representative has closed in whole or in part for the protection of the public or for the protection of the highway from damage during construction, improvement, or maintenance operation~~;~~ and thereby causes injury or death to any person or damage to any property, equipment, or material thereon shall be liable, subject to ~~the provisions of section 25-21,185~~ sections 1 to 7 of this act, for the full amount of such death, injury, or damage, and such amount may be recovered by the injured or damaged party or his or her legal representative in a civil action brought in any court of competent jurisdiction.

Sec. 13. The Revisor of Statutes shall assign section 11 of this act within sections 13-901 to 13-926, and any references to such sections shall be construed to include section 11 of this act.

Sec. 14. This act shall become operative on August 1, 1990.

Sec. 15. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 16. That original sections 13-901, 13-910, and 39-619, Reissue Revised Statutes of Nebraska, 1943, and also section 25-21,185, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1047A. Introduced by Wesely, 26th District; Smith, 33rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1047, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Print in Journal

Mmes. Pirsch, Smith, Langford, Beck, Messrs. Byars, Korshoj, Haberman, Rogers, Hefner, and Schellpeper asked unanimous consent to print the following amendment to LB 159 in the Journal. No objections. So ordered.

AM2372

1. Insert the following new sections:

"Sec. 12. That section 13-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-901. Sections 13-901 to 13-926 and section 14 of this act shall be known and may be cited as the Political Subdivisions Tort Claims Act.

Sec. 14. No damages shall be awarded under the Political Subdivisions Tort Claims Act for noneconomic damages resulting from any injury or claims arising out of an occurrence after the operative date of this act. Noneconomic damages shall mean subjective, nonmonetary losses, including pain, suffering, inconvenience, mental anguish, disability, disfigurement, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, humiliation, or destruction of and damage to relationships.

Sec. 19. No damages shall be awarded under the State Tort Claims Act for noneconomic damages resulting from any injury or claims arising out of an occurrence after the operative date of this act. Noneconomic damages shall mean subjective, nonmonetary losses, including pain, suffering, inconvenience, mental anguish, disability or disfigurement, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, humiliation, destruction, and damages to relationships.

Sec. 20. That section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8.235. Sections 81-8,209 to 81-8,235 and section 19 of this act may be cited as the State Tort Claims Act.".

2. On page 13, line 14, strike "section 39-619" and insert "sections 13-901, 13-907, 25-702, 39-619, and 81-8,235".

3. In the Kristensen amendment FA334, on page 2, strike beginning with "in" in line 20 through the semicolon in line 21.

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Matt Butler from Omaha; Linda, Ken, and Christine Morrison from Pagosa Springs, Colorado; Gustavo Javier Barrios, Leonardo Costa, and Wilson Daniel Quiro-Saldana from Uruguay, Andres Delich and Fernando Cesar Melillo from Argentina, and escort-interpreters, Marta Aragon and Luz Oramas; Lisa Buenzli, Dick and Pat Sedlacek from North Platte and Andriana Vice from Spain; Senator Lamb's grandsons, Jason and Rodney Lamb from Anselmo; Stanley Shuck from Hastings; students and teacher from O'Neill High School; 60 third grade students and sponsor from Saratoga School, Lincoln; and Colleen Mayo from Omaha.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Korshoj, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 13, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 13, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Beyer and Ms. Schimek who were excused; and Messrs. Ashford, Baack, Chambers, Haberman, Hall, R. Johnson, Kristensen, Lindsay, McFarland, Moore, Morrissey, Schmit, Warner, and Mrs. Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1199. Placed on Select File as amended.
E & R amendment to LB 1199:
AM7143

1. On page 4, line 3, after "the" insert "credit"; and in line 25 after "credit" insert an underscored comma.

LEGISLATIVE BILL 922. Placed on Select File as amended.
E & R amendment to LB 922:
AM7144

1. In the Standing Committee amendments, AM2407, on page 1, line 8, strike "or such" and insert a comma.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1000. Indefinitely postponed.

(Signed) David Landis, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business. the President signed the following resolutions: LR 252 and LR 253.

SELECT FILE

LEGISLATIVE BILL 602. E & R amendment, AM7129, found in the Journal on page 729 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 858. Advanced to E & R for engrossment.
LEGISLATIVE BILL 875. Advanced to E & R for engrossment.
LEGISLATIVE BILL 891. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1013. Advanced to E & R for engrossment.
LEGISLATIVE BILL 906. Advanced to E & R for engrossment.

LEGISLATIVE BILL 907. E & R amendment, AM7128, found in the Journal on page 733 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 984. E & R amendment, AM7136, found in the Journal on page 733 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 856. E & R amendment, AM7132, found in the Journal on page 733 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 851. Advanced to E & R for engrossment.

LEGISLATIVE BILL 957. E & R amendment, AM7133, found in the Journal on page 734 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 964. Advanced to E & R for engrossment.

LEGISLATIVE BILL 966. E & R amendment, AM7130, found in the Journal on page 734 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 997. Advanced to E & R for engrossment.

LEGISLATIVE BILL 857. E & R amendment, AM7134, found in the Journal on page 734 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 874. E & R amendment, AM7135, found in the Journal on page 735 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 893. Advanced to E & R for engrossment.

LEGISLATIVE BILL 918. E & R amendment, AM7142, found in the Journal on page 735 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 930. E & R amendment, AM7138, found in the Journal on page 737 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 970. Advanced to E & R for engrossment.

LEGISLATIVE BILL 940. E & R amendment, AM7137, found in the Journal on page 737 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 974. E & R amendment, AM7141, found in the Journal on page 737 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1016. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1017. Advanced to E & R for engrossment.
LEGISLATIVE BILL 969. Advanced to E & R for engrossment.
LEGISLATIVE BILL 896. Advanced to E & R for engrossment.

LEGISLATIVE BILL 924. E & R amendment, AM7140, found in the Journal on page 738 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1118. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1043. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1044. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1076. E & R amendment, AM7139, found in the Journal on page 738 for the Twenty-Fifth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1098. Advanced to E & R for engrossment.
LEGISLATIVE BILL 852. Advanced to E & R for engrossment.
LEGISLATIVE BILL 872. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1022. Mrs. Smith withdrew her pending amendment, AM2462, found in the Journal on page 744.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1063. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1070. Advanced to E & R for engrossment.

MOTION - Suspend Rules

Mr. Schmit moved to suspend the rules, Rule 3, Section 13, and Rule 3, Section 6(b) to permit cancellation and rescheduling of the Natural Resources Committee public hearings.

The Schmit motion to suspend the rules prevailed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1025	Wednesday, February 14, 1990 (cancel)	1:30 p.m.
LB 1138	Wednesday, February 14, 1990 (cancel)	1:30 p.m.
LB 1150	Wednesday, February 14, 1990 (cancel)	1:30 p.m.
LB 1025	Thursday, February 15, 1990 (reset)	12:00 noon
LB 1138	Thursday, February 15, 1990 (reset)	12:00 noon
LB 1150	Thursday, February 15, 1990 (reset)	12:00 noon

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 42. Title read. Considered.

Mr. Haberman offered the following amendment:
AM2523

1. On page 2, strike beginning with "As" in line 9 through "increased" in line 11 and show as stricken; strike beginning with "By" in line 12 through the period in line 15 and show the old matter as stricken; and in line 16 strike "five", show as stricken, and insert "seven".

Mr. Chambers offered the following amendment to the pending Haberman amendment:
FA361
strike "seven" and insert "five"

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 254. Introduced by R. Johnson, 34th District.

WHEREAS, former Senator Maurice A. Kremer of Aurora represented the 34th legislative district, formerly the 25th legislative district, for twenty years from 1962 to 1982, chairing the Agriculture and Public Works Committees; and

WHEREAS, Senator Kremer was a leader in issues related to water and soil conservation and demonstrated a strong commitment to education; and

WHEREAS, Senator Kremer had a long and distinguished record of service to his community, his church, his legislative district, and the State of Nebraska, receiving many well-deserved awards and honors; and

WHEREAS, Senator Kremer died February 10, 1990, at the age of 82; and

WHEREAS, Senator Kremer is survived by his loving family including his wife Alice, children Kenneth, Robert, Ardys, and Beth and their spouses, and grandchildren; and

WHEREAS, Senator Kremer is fondly remembered and respected by those who had the privilege of knowing, serving with, and working for him for his fairness, quiet determination, Christian faith, modesty, sense of humor, and championship of agricultural and other rural issues tempered with concern for the entire state and the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature express its sympathy to the family of Senator Maurice A. Kremer.
2. That a copy of this resolution be delivered to the family of Senator Kremer as an expression of its sorrow for his passing.

Laid over.

LEGISLATIVE RESOLUTION 255. Introduced by Wehrbein, 2nd District.

WHEREAS, AMTRAK was established to provide rapid rail transit passenger service throughout the United States, connecting major population centers in the country; and

WHEREAS, there exists, central, overland, and northern routes connecting East and West; and

WHEREAS, the Burlington Northern Railroad and the Union Pacific Railroad have tracks in place connecting the cities of Kansas City, St. Joseph, Nebraska City, and Omaha; and

WHEREAS, Nebraska City is one of the most historic cities in Nebraska and was a major point of departure in settling the West; and

WHEREAS, the National Arbor Day Foundation is developing a National Arbor Day Center and Institute in Nebraska City to provide for continuing education on conservation topics and environmental concerns, which center and institute will be the focus of nationwide and worldwide interest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its support in expanding AMTRAK service connecting the cities of Kansas City, St. Joseph, and Omaha with an appropriate terminal in Nebraska City.
2. That the State of Nebraska, its political subdivisions, and other interested parties will work together to secure financial and political support to establish a terminal in Nebraska City.
3. That a copy of this resolution be sent to the Nebraska congressional delegation and the United States Department of Transportation.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1107. Placed on General File as amended.
Standing Committee amendment to LB 1107:
AM2499

1. On page 5, after line 22, insert the following new subsection:

"(6) If an agreement made pursuant to this section creates a joint entity, such joint entity shall be subject to control by its members in accordance with the terms of the agreement, shall constitute a separate public body corporate and politic of this state, exercising public powers and acting on behalf of the public agencies which are parties to such agreement, and shall have the power to (a) sue and be sued, (b) have a seal and alter the same at pleasure or dispense with the necessity thereof, (c) make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and (d) from time to time make, amend, and repeal bylaws, rules, and regulations, not inconsistent with the act and the agreement providing for the creation of the joint entity, to carry out and effectuate its powers and purposes.".

2. On page 8, after line 2, insert the following new paragraph:

"Any bonds issued by a joint entity formed pursuant to the Interlocal Cooperation Act shall be issued on behalf of the public agencies which are parties to the agreement creating such joint entity and shall be bonds authorized to be issued for the specific purpose or purposes for which the joint entity has been created. Such specific purpose or purposes may include, but shall not be limited to: Solid waste collection, management, and disposal; waste recycling; sanitary sewage treatment and disposal; correctional facilities; water treatment plants and distribution systems; drainage systems; flood control projects; fire protection services; groundwater quality management and control; hospital and other health care services; bridges, roads, and streets; and law enforcement.".

LEGISLATIVE BILL 1172. Placed on General File as amended.
Standing Committee amendment to LB 1172:
AM2500

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 4, line 2, strike "voters" and insert "votes"; in line 4 strike "verbally informed" and insert "given notice"; and in line 7 after the period insert "The election commissioner or county clerk shall designate one person at each polling place to supervise the giving of notice under this subsection. The person so designated may delegate to any election officer present at the polling place during the hours of voting the responsibility of actually giving notice. Such notice shall be given orally, except that when a voter is hearing impaired, notice may be given to such voter by any method that will ensure that the voter understands that he or she has a right to receive a

partisan ballot under this section.".

(Signed) Dennis Baack, Chairperson

Education

LEGISLATIVE BILL 913. Indefinitely postponed.
LEGISLATIVE BILL 1201. Indefinitely postponed.

LEGISLATIVE RESOLUTION 240CA. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1184. Placed on General File as amended.
Standing Committee amendment to LB 1184:
AM2517

1. On page 4, strike lines 13 through 19 and insert the following new subsection:

"(2) The department shall, out of funds appropriated for that purpose, contract with the authority for the purposes listed in section 5 of this act. The authority shall exercise all of its prescribed functions independently from the department, including administrative functions. At least annually, the authority shall submit any records, information, and reports in the form and at such times as required by the department."; and strike beginning with "as" in line 22 through "81-1177" in line 23..

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 159 in the Journal. No objections. So ordered.

AM2491

1. Insert the following new section:

"Sec. 12. (1) This section shall apply whenever (a) an action is brought against the state or a political subdivision which is joined with an action against a private party, (b) the actions are governed by sections 1 to 10 of this act, (c) the action brought against the state or political subdivision is to be determined by the court without a jury, and (d) the action against a party or parties other than the state or political subdivision is to be tried to a jury.

(2) Actions governed by this section shall be heard and determined as follows:

(a) The jury shall make the findings required by subsection (1) of section 4 of this act and, in determining the percentage of fault allocated to each party, shall include all parties including the state or political subdivision; and

(b) The court, after considering the findings of the jury, shall enter judgment as follows: (i) Against the parties other than the state or political subdivision in accordance with the findings of the jury; and (ii) against the state or political subdivision in an amount as determined by the court after taking into account the court's determination of the percentage of fault which the court allocates to all parties.".

2. On page 8, after line 3, insert the following new subsection:

"(6) This section shall not apply to actions in which liability is joint and several as provided in section 3 of this act, and nothing in this section shall affect the right of reallocation among defendants in an action for contribution pursuant to section 10 of this act.".

3. In the Kristensen amendment, FA332, strike section 12.

4. Strike the Kristensen amendment, FA333.

5. In the Kristensen amendment, FA334, on page 2, strike lines 21 through 23 and insert "'sections 25-702 and'.".

6. Renumber the remaining sections accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 520 in the Journal. No objections. So ordered.

AM2415

(Amendments to AM2130)

1. On page 2, line 2, after the period insert "The Legislature encourages rural areas and health care

facilities to provide financial or other assistance to nursing students in return for an agreement to practice nursing in such areas.".

2. Strike sections 4 and 5 and all amendments thereto and insert the following new sections:

"Sec. 4. (1) The department shall administer a nursing scholarship incentive program which shall distribute funds directly to students enrolled in approved nursing programs in the State of Nebraska in direct proportion to the number of students enrolled in such nursing programs, except that at least one thousand dollars shall be allocated for distribution to students in each approved nursing program which shall be used to provide a scholarship for at least one student. The funds shall be distributed in a manner intended to result in the greatest increase in the number of persons engaged in the study of nursing. The funds shall be made available for at least sixty new students in academic year 1990-91 and at least sixty students in academic year 1991-92. The scholarships shall not exceed one thousand dollars per student per academic year nor a total of more than two thousand dollars per student.

(2) At least one-half of the funds allocated to each approved nursing program shall be made available for nontraditional or ethnic minority students. Selection of students to receive scholarships shall be based on the following:

(a) Residency in and expression of an intention and motivation to practice in a rural area, which factor shall be given first priority; and

(b) Substantial financial need as defined in section 85-990. Each recipient of a scholarship shall agree to practice nursing in the State of Nebraska for one year for each year a scholarship is received.

(3) Each approved nursing program shall forward to the department the names of the students recommended to receive scholarships and any other information and documentation the department deems necessary, and the department shall distribute the funds to the students.

(4) Scholarships shall be used only for educational expenses. The use of nursing scholarship incentive funds shall be subject to review by the

department.

(5) Each scholarship shall be for one academic year. If the student discontinues attendance in the nursing program before the end of the academic year after receiving a scholarship:

(a) The student shall remit to the department any scholarship received by the student but not due the nursing program; and

(b) The student shall direct the nursing program to remit to the department any prorated refunds as they become due under the terms of the enrollment agreement, to the extent the refund represents the unused portion of the scholarship.

Sec. 5. (1) The department shall administer a rural nursing incentive program which shall provide a financial incentive to encourage nurses to practice in rural areas. Beginning January 1, 1991, a financial incentive of one thousand dollars per year for up to two years of nursing practice in a rural area shall be provided to qualified nurses practicing in a rural area. It is the intent of the Legislature that the incentive be made available for sixty nurses per year.

(2) To be eligible to receive the incentive, a nurse:

(a) Shall not have practiced nursing in a rural area at his or her level of education or credential in the State of Nebraska in the immediately preceding five years, except that any nurse who has newly entered into practice in a rural area within the calendar year of his or her application for incentive funds shall be eligible to apply. In all cases, the applicable practice period shall begin on January 1 of the year following acceptance into the incentive program;

(b) Shall be licensed to practice nursing in the State of Nebraska;

(c) Shall apply for rural incentive funds by December 1 of the year preceding his or her practice in the rural area; and

(d) Shall be engaged in the full-time practice of nursing in a rural area for the year applied for and shall provide proof of such practice to the department.

Upon supplying the required proof, the nurse shall receive the financial incentive payment in the month of January following completion of such practice.

(3) In the event there are more eligible applicants than there are funds available, the department shall select applicants based on greatest need for nurses in a particular rural area as indicated by data developed by the department. The selection criteria may include:

(a) The age and health status of the population in the rural area;

(b) The number and size of nursing employers in the area;

(c) The population of the rural area, with preference given to areas with lesser population;

(d) The distance of the rural area from urban areas; and

(e) A demonstrated need for nurses in the rural area.

Additional eligible applicants shall be put on a waiting list and shall replace applicants who fail to fulfill the requirements of this section.".

Mrs. Beck asked unanimous consent to print the following amendment to LB 163 in the Journal. No objections. So ordered.

AM2490

1. On page 4, line 7, strike "The" and insert "Subject to subsection (3) of this section, the".

2. On page 5, line 7 after "(3)" insert "Through December 31, 1994, twenty-five percent of proceeds not to exceed two hundred thousand dollars in any one calendar year deposited in the fund pursuant to section 4 of this act shall be used only for research and development of programs and projects which promote the recycling and reduction of scrap tires and the development of other alternative uses for scrap tires, including the utilization of scrap tires in waste-to-energy facilities.

(4)".

GENERAL FILE

LEGISLATIVE BILL 42. The pending Chambers amendment, FA361, to the pending Haberman amendment, AM2523, found in this day's Journal, was renewed.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Baack
Chambers
Haberman
Korshoj
Morrissey
Peterson
Pirsch
Smith

Voting in the negative, 18:

Abboud
Ashford
Byars
Chizek
Coordsen
Dierks
Hefner
Johnson, L.
Kristensen
Lamb
Landis
Lindsay
McFarland
Nelson
Robak
Schellpeper
Weihing
Withem

Present and not voting, 20:

Barrett
Beck
Bernard-Stevens
Conway
Crosby
Elmer
Goodrich
Hall
Hannibal
Hartnett
Johnson, R.
Labedz
Langford
Lynch
Rogers
Schmit
Scofield
Warner
Wehrbein
Wesely

Excused and not voting, 3:

Beyer
Moore
Schimek

The Chambers amendment lost with 8 ayes, 18 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Haberman requested a roll call vote on his pending amendment.

Voting in the affirmative, 21:

Baack
Beck
Bernard-Stevens
Byars
Chambers
Coordsen
Dierks
Haberman
Hartnett
Hefner
Johnson, L.
Korshoj
Lamb
Lynch
Morrissey
Peterson
Pirsch
Rogers
Scofield
Smith
Wesely

Voting in the negative, 20:

Abboud
Ashford
Chizek
Conway
Crosby
Goodrich
Hall
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Robak
Schellpeper
Schmit
Wehrbein
Weihing
Withem

Present and not voting, 5:

Barrett
Elmer
Hannibal
Langford
Nelson

Excused and not voting, 3:

Beyer
Schimek
Warner

The Haberman amendment lost with 21 ayes, 20 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA362
Page 2, line 12, strike "twenty" and insert "fifty".

Pending.

ANNOUNCEMENT

Speaker Barrett announced a meeting of the Legislature's Committee Chairpersons will be held on Wednesday, February 14, 1990 at 8:30 a.m. in Room 2102.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1086. Placed on General File.

LEGISLATIVE BILL 1090. Placed on General File as amended.

Standing Committee amendment to LB 1090:
AM2520

1. Strike original section 33 and insert the following new section:

“Sec. 33. That section 79-2210.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2210.03. The board of an educational service unit shall cause to be published ~~within ten days after the adoption of the prepared yearly budget~~ by November 1 of each year a brief report of the yearly activities of the board. The report ~~, which~~ shall include the amount of revenue received and expenditures itemized by categories. This publication shall be for one time in a newspaper of general circulation distributed in each county in the educational service unit. A copy of the report shall be ~~furnished to each school district in the unit~~ distributed to each member school district by November 1 of each year.”.

2. On page 47, line 8, strike “shall” and insert “may”.

LEGISLATIVE BILL 1195. Placed on General File.

LEGISLATIVE BILL 1180. Indefinitely postponed.
LEGISLATIVE BILL 1197. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Urban Affairs

LEGISLATIVE BILL 943. Indefinitely postponed.
LEGISLATIVE BILL 1171. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 624. Placed on General File.

(Signed) David Landis, Chairperson

ANNOUNCEMENTS

The Health and Human Services Committee designates LB 923 as its priority bill.

Mr. Withem designates LR 239CA as his priority resolution.

Mr. Warner designates LB 1141 as his priority bill.

The General Affairs Committee designates LB 862 as its priority bill.

Mr. Dierks designates LB 1238 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 163A in the Journal. No objections. So ordered.

AM2408

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $500.000 from the General Fund for FY1990-91 and (2) $500,000 from the General Fund for FY1991-92, to the Legislative Council, for Program 129, to aid in carrying out the provisions of Legislative Bill 163, Ninety-first Legislature, Second Session, 1990.

The unexpended General Fund balance existing on June 30, 1991, is hereby reappropriated for FY1991-92. It is the intent of the Legislature that any reappropriated funds shall be used in addition to the FY1991-92 appropriation.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Safety Center Advisory Council
Fred E. Zwonechek
John J. Siefkes
Duane Schmidt

Ralph Hild
Pennie Z. Davis
Clayton L. Andrews
Betty J. Stuckey
Rollin Schnieder
Larry Morris
Thomas J. Gorman
Carol I. Cope
Laura Acklie M.D.

VOTE: Aye: Senators Withem, Nelson, Crosby, Bernard-Stevens, McFarland. Dierks, Baack, Chizek. Absent: None.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Weihing asked unanimous consent to have his name added as co-introducer to LB 642. No objections. So ordered.

Mr. McFarland asked unanimous consent to have his name added as co-introducer to LB 1010. No objections. So ordered.

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 976. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 1091. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as co-introducer to the amendment, AM2372, to LB 159, found in the Journal on page 763. No objections. So ordered.

VISITORS

Visitors to the Chamber were Gary, Virginia, and Toni Kirch from Blair; Senator Lindsay's wife, Mary Beth and son, John William Lindsay from Omaha; and Harry and Doris Knoobbe from West Point. J. D. Alexander from Pilger, and Herb Albers from Wisner.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 14, 1990

LEGISLATIVE JOURNAL

TWENTY-SEVENTH DAY - FEBRUARY 14, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 14, 1990

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor R. M. Meyer, Chaplain Florence Nursing Home.

ROLL CALL

The roll was called and all members were present except Ms. Schimek who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Byars, Haberman, Hall, Landis, Lindsay, Moore, Schmit, Warner, Wesely, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

MESSAGE FROM THE GOVERNOR

February 13, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln. Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 37, 409, 422, and 543 were received in my office on February 7, 1990.

These bills were signed by me on February 13, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

REPORT

Received a statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund from the Department of Roads for January 1990, in compliance with section 66-476, R.S. Supp. 1988.

MOTION - Approve Appointments

Mr. Dierks moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on pages 781 and 782: Safety Center Advisory Council - Fred E. Zwonechek, John J. Siefkes, Duane Schmidt, Ralph Hild, Pennie Z. Davis, Clayton L. Andrews, Betty J. Stuckey, Rollin Schnieder, Larry Morris, Thomas J. Gorman, Carol I. Cope, and Laura Acklie M.D.

Voting in the affirmative, 26:

Baack
Beck
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Johnson, L.
Johnson, R.
Labedz
Lamb
Langford
McFarland
Peterson
Rogers
Schellpeper
Scofield
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 9:

Barrett
Chambers
Hefner
Korshoj
Kristensen
Lynch
Morrissey
Nelson
Pirsch

Excused and not voting, 14:

Abboud
Ashford
Bernard-Stevens
Byars
Haberman
Hall
Landis
Lindsay
Moore
Robak
Schimek
Schmit
Warner
Wesely

These appointments were confirmed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 254. Read. Considered.

Mr. R. Johnson asked unanimous consent to add all the names of the members to LR 254. No objections. So ordered.

LR 254 was adopted with 40 ayes, 0 nays, and 9 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 255. Read. Considered.

LR 255 was adopted with 24 ayes, 0 nays, and 25 not voting.

GENERAL FILE

LEGISLATIVE BILL 313. Title read. Considered.

Standing Committee amendment, AM2428, found in the Journal on page 688 for the Twenty-Fourth Day, was considered.

Mr. McFarland offered the following amendment to the Standing Committee amendment:
AM2538
(Amendments to Standing Committee amendments, AM2428)

1. On page 1, line 9, strike "fifty-five" and insert "seventy-five"; and in line 13 strike "sixty-five" and insert "eighty-five".

Messrs. Kristensen, Conway, Withem, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?"

Mr. Chizek moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Chizek requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Ashford
Barrett
Beck
Beyer
Chizek
Crosby
Dierks
Goodrich
Hall
Hartnett
Johnson, R.
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Weihing
Wesely

Voting in the negative, 13:

Baack
Bernard-Stevens
Coordsen
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Lamb
Moore
Warner
Wehrbein

Present and not voting, 3:

Chambers
Langford
Pirsch

Excused and not voting, 7:

Abboud
Byars
Conway
Kristensen
Schimek
Schmit
Withem

The Chizek motion to cease debate prevailed with 26 ayes, 13 nays, 3 present and not voting, and 7 excused and not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Baack
Chambers
Chizek
Conway
Dierks
Hall
Hartnett
Johnson, R.
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Scofield
Weihing
Wesely
Withem

Voting in the negative, 23:

Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Coordsen
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb
Langford
Moore
Peterson
Pirsch
Rogers
Schellpeper
Smith
Warner
Wehrbein

Present and not voting, 1:

Crosby

Excused and not voting, 4:

Abboud
Byars
Schimek
Schmit

The McFarland amendment lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hall offered the following amendment to the Standing Committee amendment:
FA363
On line 15, strike "forty-nine" and insert "eighty-eight"

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 254 and LR 255.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1059A. Introduced by Withem, 14th District; Moore, 24th District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1989, LB 813, section 16; to change certain appropriations as prescribed; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 313A. Introduced by McFarland, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 313, Ninety-first Legislature, Second Session, 1990.

MOTION - Introduce New Bills

Mr. Coordsen moved for the introduction of new bills by the Business and Labor Committee, requests 1939 and 1940.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2461

1. Insert the following new sections:

"Section 31. That section 71-1902, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1902. No person shall furnish~~,~~ or offer to furnish~~,~~ child care for two or more children from different families without having in full force and effect a written license issued by the department upon such terms and conditions as may be prescribed by general rules and regulations adopted and promulgated by the department. After the effective date of this act, no license shall be issued pursuant to this section unless the applicant has completed the required hours of training in foster care as prescribed by the department. All licenses issued under sections 71-1901 to 71-1905 shall expire one year from the date of issuance and shall be subject to renewal under the same terms and conditions as the original license. After the effective date of this act, no license issued pursuant to this section shall be renewed unless the licensee has completed the required hours of training in foster care as prescribed by the department in the preceding twelve months. For the issuance or renewal of each license, the department shall charge a fee of twenty-five dollars for group homes, twenty-five dollars for child-caring agencies, and twenty-five dollars for child-placing agencies. A license may be revoked for cause, after notice and hearing, in accordance with ~~such~~ rules and regulations ~~as may be prescribed~~ adopted and promulgated by the department.

For purposes of this section:

(1) Foster family home shall mean any home which provides twenty-four-hour care to children who are not related to the foster parent by blood or adoption;

(2) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four-hour care for individuals in a residential setting;

(3) Child-caring agency shall mean an organization which is incorporated for the purpose of providing care for children in buildings maintained by the organization for that purpose; and

(4) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.

Sec. 32. That section 71-1904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1904. The department shall ~~make such~~ adopt and promulgate rules and regulations~~, consistent with~~ pursuant to sections 71-1901 to 71-1905~~, as it shall deem necessary~~ for (1) the proper care and protection of children by licensees under ~~said~~ such sections, (2) the issuance, suspension, and revocation of licenses to carry on the business of child care, ~~and~~ (3) the provision of training in foster care, which training shall be directly related to the skills necessary to care for children in need of out-of-home care, including, but not limited to, abused, neglected, dependent, and delinquent children, and (4) proper administration of ~~said~~ such sections. The training required by subdivision (3) of this section shall be between twelve and twenty-four hours as determined by the department.

Sec. 33. Funds of the department may be used to defray the reasonable expenses incurred in the recruitment, training, and recognition of foster care providers and volunteers, including expenses incurred for community forums, public information sessions, and similar administrative functions.

Sec. 34. That original section 71-1904, Reissue Revised Statutes of Nebraska, 1943, and section 71-1902, Revised Statutes Supplement, 1988, are repealed.".

2. Insert underscoring as necessary.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 618. Placed on General File.

LEGISLATIVE BILL 1051. Placed on General File as amended.
Standing Committee amendment to LB 1051:
AM2543

1. On page 2, reinstate the stricken matter in lines 13 to 18.

(Signed) Ron Withem, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 602, 858, 875, 891, 906, 907, and 1013.

(Signed) John C. Lindsay, Chairperson

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 313. The Hall pending amendment, FA363, to the pending Standing Committee amendment, found in this day's Journal, was renewed.

Mr. Morrissey moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 23 ayes. 1 nay, and 25 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud
Chambers
Chizek
Conway
Dierks
Hall
Hartnett
Johnson, R.
Labedz
Landis
Lindsay
Lynch
Morrissey
Nelson
Robak
Wesely
Withem

Voting in the negative, 29:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Moore
Peterson
Pirsch
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing

Present and not voting, 1:

McFarland

Excused and not voting, 2:

Schimek
Schmit

The Hall amendment lost with 17 ayes, 29 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved to reconsider the vote on the Hall amendment to LB 313.

Pending.

Mrs. Smith and Mr. Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 42 in the Journal. No objections. So ordered.

AM2534

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. That section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-201.01. On ~~January 8, 1981~~ July 1, 1989, the salary of the Chief Justice and Judges of the Supreme Court shall be ~~forty-eight thousand three hundred fourteen dollars and eighty cents~~ sixty-six thousand six hundred eighty-eight dollars and eighty-four cents. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. ~~As soon as the same may be legally paid under the Constitution of Nebraska~~ On January 3, 1991, the salary shall be increased ~~to an amount equal to three percent over the salary in effect on January 1, 1986. On July 1, 1989, the salary shall be increased by five percent of the salary received immediately prior to such date. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date~~ to seventy-nine thousand five hundred dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.". 2. On page 3, line 4, after the comma insert "Reissue"; and in line 5 strike "Supplement, 1989" and insert "of Nebraska, 1943".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 851, 856, 857, 874, 893, 957, 964, 966, 984, and 997.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1161. Placed on General File as amended.
Standing Committee amendment to LB 1161:
AM2522

1. On page 2, strike beginning with "declared" in line 2 through the second "rate" in line 3; in line 4 after "given" insert "ninety-day" and strike "working" and insert "day such ninety-day Treasury bills are issued in"; in line 5 strike "day of"; in line 9 strike "death" and insert "loss"; and in line 18 after "delayed" insert ", with interest accruing from the date the company becomes obligated to make the installment payment".

LEGISLATIVE BILL 1193. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1064. Placed on Select File as amended.
E & R amendment to LB 1064:
AM7145

1. In the Wesely amendment, AM2487:

a. On page 5, line 15, strike "a license or" and show as stricken and after the stricken "certificate" insert "licensure or";

b. On page 6, line 4, after "organization" insert "administering the examination";

c. On page 9, lines 17, 20, 22, and 24, strike "license" and insert "licensure";

d. On page 17, line 5, strike "Any", show as stricken, and insert "Question and answer sheets for any"; and in line 7 strike the new matter;

e. On page 20, line 21, after "examination" insert "or on the basis of a license granted by another state or territory";

f. On page 21, line 13, after the second "medicine" insert an underscored comma;

g. On page 23, strike beginning with "and" in line 21 through "psychologist" in line 22 and insert ", psychology";

h. On page 24, line 9, strike "license, certificate", show as stricken, and insert "licensure, certification"; in line 14 strike "a license", show as stricken, and insert "licensure"; and in line 15 strike the first "certificate", show as stricken, and insert "certification";

i. Renumber sections 10 and 11 as sections 11 and 10 respectively;

j. On page 26, line 9, after the comma insert "or";

k. On page 27, line 10, after the period insert "(1)"; in line 11 strike "(1)", show as stricken, and insert "(a)(i)"; in line 13 strike "or,", show as stricken, and insert ", (ii)"; in line 16 strike the comma and show as stricken; in line 18 strike "a" and show as stricken; and in line 22 strike the second comma, show as stricken, and insert "(iii)";

l. On page 28, line 3, strike the comma and show as stricken; in line 6 strike "(2)", show as stricken, and insert "(b)"; in line 13 strike "(3)", show as stricken, and insert "(c)"; in line 17 before "The" insert "(2)"; and in line 21 strike "(2)", show as stricken, and insert "(1)(b)";

m. On page 29, line 14, before "A" insert "(3)";

n. On page 30, line 11, strike "subsection (1)" and "of" and show the old matter as stricken; and in line 13 before "In" insert "(4)"; and

o. On page 55, line 18, after the first comma insert "and"; and in line 20 strike "71-3512.02" and insert "71-3515.02".

2. On page 1, strike beginning with "radiation" in line 1 through line 11 and insert "public health and welfare; to amend sections 71-128, 71-129, and 71-161.06, Reissue Revised Statutes of Nebraska, 1943, sections 71-125, 71-138, 71-175, 71-1,104, 71-1,278, 71-2803, 71-3507, 71-3508.03, and 71-3515.02, Revised Statutes Supplement, 1988, and sections 71-110, 71-131, 71-133, 71-162, 71-174, 71-178, 71-1,279, 71-3503, 71-3505, 71-5502, 71-5509, 71-5510, 71-5513, 71-5514, 71-5517, 71-5520, and 71-5521, Revised Statutes Supplement, 1989; to change, provide, and eliminate provisions relating to examination and other requirements for licensure and certification of and payment of fees by certain health professionals and for certain health-related activities; to harmonize provisions; and to repeal the original sections, and also sections 71-130 and 71-135 to 71-137, Reissue Revised Statutes of Nebraska, 1943.".

3. On page 2, line 19, reinstate the stricken comma.

4. On page 10, line 25, after "radiation" insert an underscored comma.

(Signed) John C. Lindsay, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 901A. Introduced by Hall, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 901, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Ron Ross - Rural Health Manpower Commission
Connie Russel - Rural Health Manpower Commission
Dr. Joel Hutchins - Rural Health Manpower Commission
David L. Timperley - Board of Health

Vote: Aye: Senators Byars, Crosby, Dierks, Lynch, Schellpeper, and Wesely. Nay: None. Absent: Senator Goodrich.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Morrissey asked unanimous consent to have his name added as co-introducer to LB 1232. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 1044. No objections. So ordered.

Mrs. Crosby asked unanimous consent to have her name added as co-introducer to LB 642. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 642. No objections. So ordered.

Messrs. Elmer and Peterson asked unanimous consent to have their names added as co-introducers to the amendment, AM2372, to LB 159, found in the Journal on page 763. No objections. So ordered.

ANNOUNCEMENTS

Mrs. Crosby designates LB 965 as her priority bill.

Ms. Scofield designates LB 1184 as her priority bill.

The Education Committee designates LB 960 and LB 1090 as its priority bills.

Mr. Peterson designates LR 11CA as his priority resolution.

Mr. Schellpeper designates LB 1080 as his priority bill.

VISITORS

Visitors to the Chamber were Ester Juzyk from Aurora; and Beverly Holzfaster.

ADJOURNMENT

At 11:55 a.m., on a motion by Mrs. Langford, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 15, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 15, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Sid Raymond, Florence Presbyterian, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett, Mrs. Labedz, and Ms. Schimek who were excused; and Messrs. Ashford, Bernard-Stevens, Byars, Conway, Goodrich, Hall, Hannibal, Lynch, Morrissey, Schmit, Mmes. Beck, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 896, 918, 924, 930, 940, 969, 970, 974, 1016, 1017, and 1118.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 896

The following changes, required to be reported for publication in the Journal, have been made:
ER6247
1. On page 2, line 7, "(4)" has been struck, shown as stricken, and "(5)" inserted.

Enrollment and Review Change to LB 930

The following changes, required to be reported for publication in the Journal, have been made:
ER6246
1. In the E & R Amendments, AM7138, on page 1, line 3, "16" has been struck and "17" inserted and "state" has been struck and "service" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 90007

DATE: February 14, 1990

SUBJECT: Constitutionality of LB 1115 - Amendment of the Definition of Real Property for Tax Purposes

REQUESTED BY: Senator W. Owen Elmer
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on certain questions relating to the constitutionality of LB 1115. Generally, LB 1115 would alter the current property tax scheme by exempting all personal property other than motor vehicles from taxation, and by redefining the term "real property" in Neb.Rev.Stat. §77-103 (Reissue 1986) (amended, Laws 1989, 1st Special Session, LB 1).

Your first question is whether the proposed redefinition of the term "real property" in §77-103, contained in §24 of LB 1115, is constitutional. Section 24 provides, in pertinent part:

> (1) Real property shall include both type A and type B real property.
>
> (2) Type A real property shall mean all land, including land under water, and all mines, minerals in place, quarries, sand and gravel pits, mineral springs and wells, and oil and gas wells.
>
> (3) Type B real property shall mean any improvement, upon or beneath type A real property, which remains, in the normal course of events, affixed upon or beneath such property for longer than twelve months. For purposes of this subsection, improvement shall mean any property that remains fixed and stationary by design in relation to the type A real property for twelve months or more, and affixed shall mean actually or constructively annexed or attached.

Recently, we addressed at length the constitutionality of legislation amending the definition of real property in §77-103. Attorney General Opinion No. 89071, November 13, 1989. In this opinion, we considered whether it was permissible for the Legislature to adopt a statutory definition of real property for tax purposes which differed from adherence to the common law standards which the Nebraska Supreme Court had found in Northern Natural Gas Co. v. State Board of Equalization and Assessment, 232 Neb. 806, 443 N.W.2d 249 (1989) {"Northern"} to be included in §77-103. Noting the general rule that "{i}t is competent for the Legislature to classify for purposes of legislation, if the classification rests on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. . ." (Stahmer v. State, 192 Neb. 63, 68, 218 N.W.2d 893, 896 (1974)), we concluded the Legislature was not necessarily precluded from enacting legislation altering the definition of real property under §77-103, provided a reasonable basis could be articulated to justify any classification established by such redefinition.

During the special session convened in November, 1989, the Legislature amended the definition of "real property" in §77-103 to include ". . . pipelines, railroad track structures, electrical and telecommunications poles, towers, lines, and all items actually annexed to such property, and any interest pertaining to the real property or real estate." 1989 Neb. Laws, 1st Special Session, LB 1. No judicial determination has been made as to the constitutionality of this amendment to §77-103.

As noted in our previous opinion, several states have adopted statutory definitions of real property or real estate for tax purposes that include types of property which, under the common law of fixtures, would likely be considered to be personalty. See, e.g., N.Y. Real Property Tax Law §102, Subd. 12 (McKinney 1984 and Supp. 1989); Iowa Code Ann. §427 A.1, Subd. 1 (West Supp. 1989); N.D. Cent. Code §57-02-04, Subd. 3 (1983). In sustaining the constitutionality of the New York statutory definition, the New York Supreme Court stated: "The Legislature has the power to classify and define what property is taxable as real property, and for some time prior to the enactment of the statute in question the Tax Law has provided that certain property, which under the common law is personal property, is subject to tax as real property." Beagell v. Douglas, 2 Misc.2d 361, 363, 157 N.Y.S.2d 461, 463 (N.Y.Sup.Ct. 1955). See also Signal Oil and Gas Co. v. Williams County, 206 N.W.2d 75 (N.D. 1973) (holding provision of property tax law defining as "real property" machinery and equipment used in refining oil and gas did not create unreasonable classification in violation of State Constitution or the Equal Protection Clause of the Federal Constitution); Heritage Cablevision v. Marion County Board of Supervisors, 436 N.W.2d 37 (Iowa 1989) (rejecting facial constitutional challenge to Iowa statute exempting most, but not all, tangible personal property by classifying certain types of property as real property).

Based on the foregoing, it does not appear to be clearly unreasonable for the Legislature to classify property as real or personal for tax purposes in a manner which differs from adoption of the common law tests regarding fixtures, provided the classifications established are reasonable. To the extent §24 of LB 1115 proposes to alter the current definition of "real property" in such a manner, it is not inherently objectionable as creating an unreasonable classification, as support from other jurisdictions exists to sustain the definition of real property for tax purposes in a manner which includes types of property which, under the common law of fixtures, would be considered personalty.

This is not to say, however, that the classification established could not be challenged as unreasonable. An owner of property subject to taxation as "type B real property" under the bill may be able to successfully argue the taxation of such property is unreasonable when similar property is classified as personal property and therefore exempted from taxation. While the Nebraska Supreme Court upheld the Legislature's power to classify and exempt certain types of personal property in Stahmer v. State, supra, the Court has not yet had occasion to consider the constitutionality of legislation similar to

LB 1115. As was noted, no judicial determination has been made as to the validity of the amendment to §77-103 accomplished by the passage of LB 1 during the recent special session. Thus, it is not clear that the Court will uphold the type of redefinition of real and personal property proposed under the terms of LB 1115.

It should be noted there is case law in Nebraska which indicates our Court may take a more restrictive view than courts from other states with regard to the Legislature's ability to classify and define terms in the area of property taxation. In Moeller, McPherrin and Judd v. Smith, 127 Neb. 424, 255 N.W. 551 (1934) {"Moeller"}, the Court held unconstitutional legislative action altering the taxation of tangible and intangible property accomplished by the enactment of a statute defining the term "tangible property" to include property which, by nature, was intangible. In particular, the Court stated:

> May a legislature, under the guise of defining a word, do so with a definition which contravenes our Constitution, and which is not true or legal in fact? Class 2 of tangible property, as defined in House Roll No. 9, is intangible property as defined by the leading dictionaries.
>
> * * *
>
> Can the legislature define and designate as tangible that which is, in fact and in truth, intangible? It may be admitted that the legislature has power to define words used by it, but is this an unlimited power, or is it subject to a reasonable construction? Tangible is the direct opposite of intangible; and can the legislature, under the guise of calling it two separate classes of tangible property, include all intangible property under class 2 of tangible property? In our opinion, there is a limit to the legislature's power to nullify and circumvent constitutional provisions by putting an arbitrary, but improper and unfounded, definition upon a certain word.
>
> The Constitution of Nebraska clearly provides for two kinds of personal property for purposes of taxation, and the legislature has abrogated one of these by the device of calling it a class under the other. The legislature could not directly blot out a provision of the Constitution; has it not, by House Roll No. 9, attempted to do it indirectly?
>
> If the Constitution gives one definition of a legal term, and a statute another, it is the duty of a court to declare that the Constitution governs.

Id. at 433, 255 N.W. at 555-56.

Furthermore, in State ex rel. Meyer v. Peters, 191 Neb. 330, 215 N.W.2d 520 (1974) {"Peters"}, the Court declared unconstitutional a statute exempting from property taxation household goods, "including major appliances either attached or detached to real property," and personal effects. The legislation was assertedly enacted pursuant to Article VIII, Section 2, of the Nebraska Constitution, which provided, in part: "Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law...." (Emphasis added). In holding the phrase "household goods and personal effects, as defined by law "in Article VIII, Section 2, referred to existing law at the time of adoption of the constitutional amendment in a descriptive and limiting manner, the court stated:

> Any definitional powers given to the Legislature are prefixed and limited. The power to define household goods and personal effects necessarily is limited to those articles which ordinarily would be understood to be embraced within that term. Certainly, it cannot be interpreted to give the Legislature power to include air-conditioning systems, furnaces, automobiles, or real estate within the term "household goods and personal effects." Since there must be a limit to such powers, it is reasonable to find the common law concepts serve as guides.
>
> * * *
>
> In any event, any power to define household goods must be limited for the term "household goods" to have any meaning whatever. It is obvious that the Legislature could not be allowed to define all property in the state as household goods and personal effects. To permit it to do so would allow it to negate other parts of the Constitution.

Id. at 334-35, 215 N.W.2d at 524-25.

While it is possible to distinguish the situations addressed by the Court in Moeller and Peters from the one presented herein, it is certainly conceivable that our Court may adopt a narrower and more limited view of the Legislature's power to classify and define in this area than courts from other jurisdictions. This may be particularly true in light of the Court's recent decision in Northern, supra, discussing extensively the application of the law of fixtures in assessing whether property is to be deemed real or personal for tax purposes. In sum, while there is law from other states supporting the validity of legislation defining real property for tax purposes in a manner similar to that proposed under LB 1115, we cannot definitively conclude that our Court would, in light of prior Nebraska case law, sustain the classifications established under LB 1115 as constitutional.

You have also asked us to consider whether the provisions of §61 of LB 1115 are constitutional. The apparent intent of subdivision (2)(a) of §61 is to preserve the personal property tax exemption incentives contained in Neb.Rev.Stat. §77-4105 (Cum.Supp. 1988) for taxpayers who have entered into agreements under the Employment and Investment Growth Act prior to the effective date of LB 1115. In this regard, subdivision (2)(a) retains the current statutory language separately classifying personal property in the nature of "turbine-powered aircraft," "mainframe business computers," and business equipment "involved directly in the manufacture or processing of agricultural products." This subdivision also provides "such property shall be exempt from the tax on personal property. . . ."

Our primary concern with the language of subdivision (2)(a) of §61 is that, by virtue of the redefinition of "real property" in §24 of LB 1115, it is quite possible that much of the property separately classified as personal under §77-4105(2) would constitute "type B real property" under LB 1115. While turbine-powered aircraft would not be affected by the redefinition of real property, mainframe business computers or business equipment involved in manufacturing or processing agricultural products may well fall within the definition of "real property" as "type B real property." Thus, as §61 simply retains an exemption for the property enumerated from "personal property tax," such exemption would be meaningless if the property is no longer personal property for tax purposes under Nebraska law. To the extent this alters the terms of existing agreements entered into pursuant to the Employment Investment Growth Act, we believe a serious question as to the unconstitutional impairment of contractual obligations is raised under Article I, Section 16, of the Nebraska Constitution, by the provisions of subdivision (2)(a) of §61.

Subdivision (2)(b) of §61 is apparently intended to alter the property tax incentives available in connection with agreements entered into after the effective date of LB 1115. Under subdivision (2)(b), taxpayers owning "type B real property" are to receive a credit against the income tax liability of the taxpayer for the amount of any ad valorem taxes paid on such property. We believe there is a strong possibility that a court would find this provision unconstitutional. Article VIII, Section 2, provides, in part "The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. . . ." (Emphasis added). While the Legislature has the power to classify and exempt personal property under this constitutional provision, the Legislature does not have such authority with regard to the classification and exemption of real property. Under subdivision (2)(b) of §61, a credit against income tax liability is granted as to real property taxes paid by certain taxpayers.

In our view, the provision of relief from the payment of a tax on real property in this manner would likely be viewed as an unconstitutional attempt to indirectly grant an exemption for real property not authorized by the Constitution. It is axiomatic that the Legislature may not circumvent the effect of an express provision of the Constitution by doing indirectly what it may not do directly. Nebraska Public Power District v. Hershey School District, 207 Neb. 412, 299 N.W.2d 514 (1980). We have, in prior opinions, indicated our belief that similar attempts to avoid the effect of the limitations and requirements of Article VIII, Sections 1 and 2, would not meet with judicial favor. Report of Attorney General, 1971-72, Opinion Nos. 104, 106, and 108.

In conclusion, it is our opinion that, for the specific reasons stated herein, certain portions of LB 1115 are constitutionally suspect.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-373-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENTS

Mr. Lindsay designates LB 688 as his priority bill.

Mr. Hartnett designates LB 1222 as his priority bill.

Mr. Haberman designates LB 1094 as his priority bill.

The Agriculture Committee designates LB 855 and LB 972 as its priority bills.

Mr. Goodrich designates LB 1055 as his priority bill.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 796: Ron Ross - Rural Health Manpower Commission, Connie Russel - Rural Health

Manpower Commission, Dr. Joel Hutchins - Rural Health Manpower Commission, David L. Timperley - Board of Health.

Voting in the affirmative, 25:

Abboud
Baack
Beyer
Chizek
Crosby
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay
McFarland
Moore
Peterson
Rogers
Schellpeper
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 8:

Barrett
Coordsen
Johnson, R.
Lamb
Nelson
Robak
Scofield
Weihing

Excused and not voting, 16:

Ashford
Beck
Bernard-Stevens
Byars
Chambers
Conway
Goodrich
Hall
Hannibal
Hartnett
Labedz
Lynch
Morrissey
Pirsch
Schimek
Schmit

These appointments were confirmed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 50.

A BILL FOR AN ACT relating to animals; to amend sections 28-101, 28-1003, 54-160, and 54-605, Reissue Revised Statutes of Nebraska, 1943; to define terms; to prohibit certain acts involving animals; to provide penalties; to transfer provisions relating to indecency with an animal; to provide for a warrant for entry on property by law enforcement officers as prescribed; to authorize issuance of citations; to limit the liability of law enforcement officers as prescribed; to provide liability for the expenses of care, impoundment, or disposal of certain animals; to provide for the applicability of provisions; to authorize regulation by cities, villages, and counties; to provide for the applicability of penalties to parents and legal guardians as prescribed; to eliminate provisions prohibiting cruelty to animals; to change a provision relating to dogs running at large; to harmonize provisions; and to repeal the original sections, and also sections 28-1001 and 28-1002, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Langford
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Lindsay
Moore

Excused and not voting, 9:

Beck
Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 143.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2651, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for equalization aid; to provide duties; to change provisions relating to the allocation and distribution of funds appropriated by the Legislature; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Lindsay
McFarland
Moore
Nelson
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 3:

Beck
Pirsch
Schmit

Present and not voting, 1:

Langford

Excused and not voting, 7:

Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 240. With Emergency.

A BILL FOR AN ACT relating to telephone services; to state intent; to define terms; to create a fund; to provide for surcharges; to provide for a statewide dual-party relay system for persons with hearing or speech impairments; to create a committee; to provide for the funding of 911 emergency telephone communications systems; to authorize certain agreements; to provide immunity from liability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 2:

Langford
Wesely

Excused and not voting, 7:

Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 240A

Mr. Hall withdrew his pending amendment, AM2386, found in the Journal on page 707, to LB 240A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 240A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 240, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 2:

Langford
Wesely

Excused and not voting, 7:

Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 465.

A BILL FOR AN ACT relating to discrimination; to prohibit discrimination against individuals with or suspected of having human immunodeficiency virus infection or acquired immunodeficiency syndrome as prescribed; and to authorize a civil action to enforce violations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 7:

Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 350.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.01, 81-885.04, 81-885.07, 81-885.11, 81-885.12, 81-885.14, 81-885.17, 81-885.18, 81-885.19, 81-885.20, 81-885.24, 81-885.25, 81-885.26, and 81-885.29, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change exemptions from the act as prescribed; to change the compensation of members of the State Real Estate Commission; to change provisions relating to partnerships and corporations engaged in real estate activities; to change provisions relating to fees; to delete provisions relating to reexamination; to provide and change requirements for issuance of nonresident licenses; to authorize reciprocal agreements; to change notice requirements; to change provisions relating to branch offices;

to require the dating of purchase agreements and offers; to change procedures for certain disciplinary proceedings as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 7:

Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 350A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 350, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 692.

A BILL FOR AN ACT relating to bonds; to amend section 10-142, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to refunding bonds issued by certain public entities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 7:

Goodrich
Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 742. With Emergency.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-490, 60-4,118, and 60-4,122, Revised Statutes Supplement, 1989; to change provisions relating to eyesight and testing requirements; to harmonize provisions; to provide operative dates; to repeal the original sections, and also section 1, Legislative Bill 742, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Lindsay
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 3:

Beyer
McFarland
Wesely

Present and not voting, 1:

Langford

Excused and not voting, 6:

Hall Labedz Lynch Morrissey Schimek
Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LR 8CA to Select File

Mr. Chambers moved to return LR 8CA to Select File for the following specific amendment:
FA364
Strike the enacting clause.

Mr. Chambers withdrew his motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 8CA.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article I, section 23, Article V, sections 1, 2, and 8, and Article XV, section 9, and by repealing Article I, section 24.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article I, section 23, Article V, sections 1, 2, and 8, and Article XV, section 9, and by repealing Article I, section 24, which is hereby proposed by the Legislature:

CI-23 "In all ~~cases of felony the defendant shall have the right of appeal to the Supreme Court; and in capital cases such appeal~~ capital cases, appeal directly to the Supreme Court shall be as a matter of right and shall operate as a supersedeas to stay the execution of the sentence of death~~,~~ until further order of the Supreme Court. In all other cases, criminal or civil, an aggrieved party shall be entitled to one appeal to the appellate court created pursuant to Article V, section 1, of this Constitution or to the Supreme Court as may be provided by law."

CV-1 "The judicial power of the state shall be vested in a Supreme Court, an appellate court, district courts, county courts, in and for each county, with one or more judges for each county~~,~~ or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof."

CV-2 "The Supreme Court shall consist of seven judges, one of whom shall be the Chief Justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Legislature may provide that any ~~Judge~~ judge of the Supreme Court or judge of the appellate court created pursuant to Article V, section 1, of this Constitution who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court or the appellate court to act as associate judges of the Supreme Court, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court or the appellate court are so acting, the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court or the appellate court so appointed shall serve during the pleasure of the court~~,~~ and shall have all the powers of judges of the Supreme Court. The Chief Justice shall make assignments of judges to the divisions of the court, ~~and shall~~ preside over the division of which he or she is a member, and designate the presiding judge of the other division. The judges of the Supreme Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute~~;~~ and all appeals ~~from conviction of homicide;~~ involving capital cases and may review any decision rendered by a division of the court. In such cases, in the event of the disability or disqualification by interest or otherwise~~,~~ of any of the judges of the Supreme Court, the court may appoint judges of the district court or the appellate court to sit temporarily as judges of the Supreme Court, sufficient to constitute a full court of seven judges. Judges of the district court or the appellate court shall receive no additional salary by virtue of their appointment and service as herein provided, ~~;~~ but they shall be reimbursed their necessary traveling and hotel expenses."

CV-8 "~~There shall be appointed by the supreme court, a clerk and a reporter of the court, each of whom shall hold his office for a term of six years, unless sooner removed by the court, and their salaries shall be fixed by law; the clerk shall also act as librarian of the law and miscellaneous library of the state. The court shall also~~ The Supreme Court shall appoint such ~~clerical help~~ staff as may be needed for the proper dispatch of the business of the court. The court shall prepare and recommend to each session of the Legislature a budget of the estimated expenses of the court. The copyright of the state reports shall forever remain the property of the state."

CXV-9 "Laws may be enacted providing for the investigation, submission, and determination of controversies between employers and employees in any business or vocation affected with a public interest~~;~~ and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An Industrial Commission may be created for the purpose of administering such laws, and appeals ~~shall lie to the Supreme Court from the final orders and judgments of such commission~~ shall be as provided by law.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide a right of direct appeal to the Supreme Court in capital cases, to provide that the right of appeal in all other cases shall be to the appellate court or to the Supreme Court as may be provided by law, to provide for an appellate court, to authorize the Supreme Court to assign duties to judges of the appellate court, to eliminate specific provisions on

the clerk and reporter of the Supreme Court, and to harmonize provisions.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 4:

Chambers
Haberman
Korshoj
Wesely

Present and not voting, 2:

Baack
Bernard-Stevens

Excused and not voting, 6:

Hall
Hartnett
Labedz
Lynch
Morrissey
Schimek

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Introduce New Bills

Mr. Coordsen renewed his pending motion, found in the Journal on page 789, for the introduction of new bills by the Business and Labor Committee, requests 1939 and 1940.

The Coordsen motion prevailed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1244. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to claims against the state; to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1245. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 50, 143, 240, 240A, 465, 350, 350A, 692, 742, and LR 8CA.

GENERAL FILE

LEGISLATIVE BILL 663A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 896A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1004A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1064A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 902A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 852, 872, 1022, 1043, 1044, 1063, 1070, 1076, and 1098.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Peterson asked unanimous consent to print the following amendment to LB 1064 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2533.)

Mr. Lamb asked unanimous consent to print the following amendment to LB 980 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2528.)

Mr. Lamb asked unanimous consent to print the following amendment to LB 980 in the Journal. No objections. So ordered.

AM2473

(Amendments to Standing Committee amendments, AM2311)

1. On page 1, line 9, strike "or any applicant" and show as stricken; and in line 10 strike "otherwise", show as stricken, and insert "and who is".
2. On page 2, line 6, reinstate the stricken "cannot"; and in line 7 strike "meets" and insert "meet".
3. On page 3, reinstate the stricken matter beginning with "who" in line 1 through "commerce" in line 3; and in line 3 after the reinstated "commerce" insert "or".
4. On page 13, line 4, after "60-465" insert "which requires a Class A commercial driver's license".

GENERAL FILE

LEGISLATIVE BILL 313. Mr. McFarland withdrew his pending motion, found in the Journal on page 792, to reconsider the vote on the Hall amendment.

Mr. McFarland offered the following amendment to the pending Standing Committee amendment:

AM2557

1. On page 1, line 9, strike "fifty-five" and insert "sixty-five"; and in line 13 strike "sixty-five" and insert "seventy-five".

SPEAKER BARRETT PRESIDING

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. McFarland moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud
Ashford
Baack
Bernard-Stevens
Chambers
Chizek
Conway
Dierks
Hall
Johnson, R.
Landis
Lindsay
McFarland
Morrissey
Nelson
Robak
Schellpeper
Scofield
Wesely
Withem

Voting in the negative, 21:

Barrett
Beck
Beyer
Byars
Coordsen
Crosby
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb
Langford
Moore
Peterson
Rogers
Schmit
Smith
Warner
Wehrbein

Present and not voting, 2:

Pirsch
Weihing

Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Hartnett
Korshoj
Labedz
Lynch
Schimek

The McFarland amendment lost with 20 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The pending Standing Committee amendment was adopted with 34 ayes, 5 nays, 5 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1216. Placed on General File.

LEGISLATIVE BILL 1056. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

Health and Human Services

LEGISLATIVE BILL 1167. Placed on General File.

(Signed) Don Wesely, Chairperson

Transportation

LEGISLATIVE BILL 690. Placed on General File.

LEGISLATIVE BILL 937. Placed on General File as amended.
Standing Committee amendment to LB 937:
AM2547

1. Strike original section 1 and insert the following new section:

"Section 1. When an insurance company licensed to do business in Nebraska acquires a motor vehicle, which motor vehicle has been properly titled and registered in a state other than Nebraska, through payment of a total loss settlement on account of theft and the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair, the company shall obtain the certificate of title from the owner and may make application for a nontransferable certificate of title by surrendering the certificate of title to the county clerk. A nontransferable certificate of title shall be issued in the same manner and for the same fee as provided for a certificate of title in sections 60-106 to 60-117 and shall be on a form prescribed by the Department of Motor Vehicles.

A vehicle which has a nontransferable certificate of title may not be sold or otherwise transferred or disposed of without first obtaining a certificate of title under sections 60-106 to 60-117. When a nontransferable certificate of title is surrendered for a certificate of title, the application shall be accompanied by a statement from the insurance company stating that to the best of its knowledge the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair. The statement shall not constitute or imply a warranty of condition to any subsequent purchaser or operator of the vehicle.”.

LEGISLATIVE BILL 988. Placed on General File as amended.
Standing Committee amendment to LB 988:
AM2548

1. On page 5, lines 10 and 11, reinstate the stricken “all representations”.

LEGISLATIVE BILL 1020. Placed on General File as amended.
Standing Committee amendment to LB 1020:
AM2546

1. Insert the following new sections:

“Section 1. That section 39-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-606. Unless specifically made applicable, the provisions of ~~sections 39-601 to 39-6,122 and~~ the Nebraska Rules of the Road and section 39-6,177, except those provisions relating to careless driving, reckless driving, and driving while under the influence of alcoholic liquor or other drugs, shall not apply to:

(1) Persons, teams of draft animals, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway, but shall apply to such persons and vehicles when traveling to or from such work; or

(2) Government employees and public utility employees to the extent that there would be a conflict between ~~sections 39-601 to 39-6,122~~ the act and section 39-6,177 and the performance of their official duties.

Sec. 6. That section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.13. Upon the conviction of any person for violation of the provisions of section 39-669.07~~,~~ or of driving a motor vehicle while under the influence of alcoholic liquor or of any other drug in violation of any city or village ordinance, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with section 39-669.11~~,~~ for the test administered and the analysis thereof under ~~the provisions of~~ section 39-669.08~~,~~ if such test was actually made.

Sec. 8. That section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points. For~~, and for~~ purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any other drug or when such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(8) Negligent driving in violation of any city or village ordinance -- 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and (c) more than ten miles per hour over the speed limit -- 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (2)(c), (d), or (f) of section 39-662 or subdivision (1)(c), (d), (e), or (g) or (3)(c), (d), or (h) of section 39-666;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 39-669.37.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

Sec. 9. That section 39-6,104.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

39-6,104.07. In the case of a driver who dies within four hours after being in a motor vehicle accident~~,~~ and of a pedestrian sixteen years of age or older who dies within four hours after being struck by a motor vehicle, the coroner or other official performing the duties of coroner shall examine the body and cause such tests to be made as are necessary to determine the presence and percentage concentration of alcohol or other drugs therein. Such information shall be included in each report submitted pursuant to ~~the provisions of~~ sections 39-6,104.06 to 39-6,104.12 and shall be tabulated on a monthly basis by the Department of Motor Vehicles. Such information shall be used only for statistical purposes which do not reveal the identity of the deceased.

Sec. 10. That section 39-6,104.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104.08. Any surviving driver or pedestrian sixteen years of age or older who is involved in a motor vehicle accident in which a person is killed shall be requested~~,~~ if he or she has not otherwise been directed by a law enforcement officer to submit to a chemical test under section 39-669.08 to submit to a chemical test of his or her blood, urine, or breath as the law enforcement officer shall direct for the purpose of determining the amount of alcohol or other drugs in his or her body fluid. The results of such test shall be reported in writing to the Director of Motor Vehicles who shall tabulate such results on a monthly basis. Such information shall be used only for statistical purposes which do not reveal the identity of the surviving drivers or surviving pedestrians. ~~The provisions of sections~~ Sections 39-669.09, 39-669.10, and 39-669.12~~,~~ shall, when applicable, apply to the tests provided for in this section.".

2. On page 3, line 8, after "any" insert "other".

3. On page 8, line 12; page 9, lines 7 and 15; page 16, line 25; and page 18, lines 6 and 17, after "or" insert "other".

4. On page 8, line 23; page 9, line 10; and page 10, line 13, after "of" insert "other".

5. On page 18, line 20, after "sections" insert "39-606,"; and in line 21 strike "and" and insert "39-669.13," and after the last comma insert "39-669.26, 39-6,104.07, and 39-6,104.08,".

6. Renumber the remaining sections accordingly.

(Signed) Howard Lamb, Chairperson

Business and Labor

LEGISLATIVE BILL 1173. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2554.)

(Signed) George Coordsen, Chairperson

Judiciary

LEGISLATIVE BILL 1113. Placed on General File.

(Signed) Jerry Chizek, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 903. Placed on General File.

(Signed) Rex Haberman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 313. Considered.

Advanced to E & R for review with 28 ayes, 4 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 42. Mr. Chambers renewed his pending amendment, FA362, found in the Journal on page 779.

PRESIDENT NICHOL PRESIDING

Messrs. Morrissey, R. Johnson, and Moore asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Baack
Chambers

Voting in the negative, 28:

Abboud
Ashford
Beck
Byars
Chizek
Coordsen
Crosby
Goodrich
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
Nelson
Pirsch
Robak
Rogers
Schellpeper
Warner
Wehrbein
Weihing

Present and not voting, 13:

Barrett
Bernard-Stevens
Beyer
Conway
Dierks
Elmer
McFarland
Peterson
Schmit
Scofield
Smith
Wesely
Withem

Excused and not voting, 6:

Hartnett
Johnson, R.
Labedz
Moore
Morrissey
Schimek

The Chambers amendment lost with 2 ayes, 28 nays, 13 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 159 in the Journal. No objections. So ordered.

AM2550

1. Insert the following new sections:

"Sec. 3. A defendant shall not be liable if the claimant assumed the risk of injury to person or harm to property. Assumption of risk shall mean that the claimant (1) knew of the risk, (2) understood the risk, and (3) voluntarily exposed himself or herself to the danger which proximately caused the injury or damage. The claimant's knowledge and appreciation of the risk may be proven by circumstancial evidence as a matter of fact or as a matter of law.

Sec. 13. (1) This section shall apply whenever (a) an action is brought against the state or a political subdivision which is joined with an action against a private party, (b) the actions are governed by sections 1 to 11 of this act, (c) the action brought against the state or political subdivision is to be determined by the court without a jury, and (d) the action against a party or parties other than the state or political subdivision is to be tried to a jury.

(2) Actions governed by this section shall be heard and determined as follows:

(a) The jury shall make the findings required by subsection (1) of section 5 of this act and, in determining the percentage of fault allocated to each party, shall include all parties including the state or political subdivision; and

(b) The court, after considering the findings of the jury, shall enter judgment as follows: (i) Against the parties other than the state or political subdivision in accordance with the findings of the jury; and (ii) against the state or political subdivision, if found liable by the court, in an amount as determined by the court after taking into account the court's determination of the amount of damages the claimant is entitled to recover and of the percentage of fault which the court allocates to all parties.".

2. On page 3, lines 1 and 21; page 4, line 10; page 11, line 13; page 12, line 7; and page 13, line 1, strike "10" and insert "11".

3. On page 4, strike beginning with "unreasonable" in line 3 through line 4; in line 5 strike the comma; and in line 23 strike "7" and insert "8".

4. On page 5, lines 8 and 18, strike "7" and insert "8".

5. On page 6, line 7; page 9, lines 22 and 25; and page 11, lines 4 and 23, strike "4" and insert "5".

6. On page 8, after line 3, insert the following new subsection:

"(6) This section shall not apply to actions in which liability is joint and several pursuant to section 4 of this act, but nothing in this section shall affect the right of reallocation among defendants in an action for contribution pursuant to section 11 of this act."; and in line 7 strike "5" and insert "6".

7. On page 10, line 2, strike "6" and insert "7".

8. In the Kristensen amendment, FA332:

a. Strike section 12; and

b. On page 1, line 14; and page 3, line 3, strike "10" and insert "11".

9. Strike the Kristensen amendment, FA333.

10. In the Kristensen amendment, FA334:

a. On page 2, line 21, strike "13-907," and the second comma; and strike beginning with the semicolon in line 21 through the quotation marks in line 23; and

b. On page 4, line 17, strike "4" and insert "5".

11. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 259A in the Journal. No objections. So ordered.

AM2419

(Amendments to Final Reading copy)

1. On page 2, line 3, after the last comma insert "and (2) $52,835 from the General Fund for the period July 1, 1991, to June 30, 1992,"; and in line 10 after "1991" insert ", or $35,820 for the period July 1, 1991, to June 30, 1992".

RESOLUTION

LEGISLATIVE RESOLUTION 256. Introduced by Wesely, 26th District; Withem, 14th District; Bernard-Stevens, 42nd District.

WHEREAS, twenty-five years ago the Head Start program was established for the purpose of making a difference in the lives of economically deprived preschool children and their families; and

WHEREAS, for twenty-five years the Head Start program has successfully made an impact on these children and their families and, with the help of the dedicated staff of the Head Start program, will continue to be successful; and

WHEREAS, the Legislature recognizes and applauds the Head Start program on its success.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature proclaims 1990 as a year of celebration of the twenty-fifth anniversary of the Head Start program.
2. That the Legislature encourages all Nebraskans to recognize the excellent work done by the Head Start program and its staff.

Laid over.

ANNOUNCEMENT

Speaker Barrett announced given the fact that there are no committee hearings scheduled for Tuesday, February 20, it is his plan that the Legislature will spend approximately two hours on the floor in session that afternoon.

STANDING COMMITTEE REPORT

Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Connie Witt - Public Employees Retirement Board

VOTE: Aye: Senators Haberman, Abboud, Elmer, Schellpeper. Nay: None. Absent: Senators Coordsen, Warner.

(Signed) Rex Haberman, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 15, 1990, at 10:43 a.m., were the following bills: 50, 143, 240, 240A, 465, 350, 350A, 692, and 742.

(Signed) Jan Loder, Enrolling Clerk

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on February 15, 1990, at 10:43 a.m., was the following resolution: LR 8CA.

(Signed) Jan Loder, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1080A. Introduced by Schellpeper, 18th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1080, Ninety-first Legislature, Second Session, 1990.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 844. Placed on General File.
LEGISLATIVE BILL 919. Placed on General File.
LEGISLATIVE BILL 1183. Placed on General File.

LEGISLATIVE BILL 1082. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

ANNOUNCEMENTS

Mr. Byars designates LB 905 as his priority bill.

Mr. Lamb designates LB 866 as his priority bill.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1141. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2555.)

LEGISLATIVE RESOLUTION 239CA. Placed on General File as amended.
Standing Committee amendment to LR 239CA:

AM2521

1. On page 1, line 13; and page 4, line 22, strike “There is hereby” and insert “On July 1, 1991, there shall be”.

2. On page 2, strike beginning with “two” in line 2 through “district” in line 3 and insert “six members elected on a nonpartisan basis”; in line 5 after the period insert “One elected member shall be elected from each of six districts of approximately equal population established by the Legislature.”; strike lines 18 through 21 and insert “elected, two members shall serve for terms of two years and two members shall serve for terms of four”; and in line 24 after the period insert “No more than three of the members initially appointed shall be of the same political party.”.

3. On page 3, line 4, strike “as the” and insert “and the members of the board as it”; and in line 5 strike “board” and after “amendment” insert “or their successors in office”.

4. On page 4, line 25, strike “have responsibility” and insert “be vested with authority”.

5. On page 5, line 5, strike “seven” and insert “five”; in line 7 strike “nonvoting” and insert “voting”; in line 8 after “be” insert “a representative of” and strike “president”; in line 9 after “institution” insert “chosen by the student government. No member of a board of trustees shall be a member of the Board of Regents for Nebraska Higher Education” and after “that” insert “some or all of”; in line 18 strike “four” and insert “three”; and strike beginning with “for” in line 22 through “president” in line 23 and insert “one year”.

6. On page 6, line 2, strike “as the board” and insert “and the members of the board as it”; and in line 3 after “amendment” insert “or their successors in office”.

7. On page 8, line 2, after “Education” insert “for and on behalf of or for the use and benefit of any institution governed by a board of trustees established pursuant to Article VII, section 13, of the Constitution of Nebraska”; in line 16 after “from” insert “or for”; and in line 24 after the period insert “The Board of Regents for Nebraska Higher Education may

combine any of such projects of any single institution for which it is issuing bonds in one or more revenue bond issues payable from the combined revenue of such projects of the institution.".

8. On page 9, line 1, after the first period insert "Existing indebtedness on any revenue bonds issued prior to July 1, 1991, by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges shall continue to be governed by the instruments under which such bonds were issued and the revenue and other funds pledged to the payment thereof shall remain so pledged, and such bonds shall be paid in accordance with the terms of such instruments. On and after July 1, 1991, the Board of Regents for Nebraska Higher Education shall succeed to the rights, duties, and obligations of the issuer of such revenue bonds except as such rights, duties, and obligations may be delegated as provided by law to a board of trustees established pursuant to Article VII, section 13, of the Constitution of Nebraska.".

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 866. No objections. So ordered.

Messrs. Coordsen, Weihing, and Goodrich asked unanimous consent to have their names added as co-introducers to the amendment, AM2372, to LB 159, found in the Journal on page 763. No objections. So ordered.

VISITORS

Visitors to the Chamber were Larry Langer from Kearney and Chuck Lindsay from Holdrege.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Friday, February 16, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 16, 1990

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 16, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 16, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Ms. Schimek who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Chizek, Conway, Hall, Hannibal, Hartnett, R. Johnson, Lamb, Landis, Lindsay, McFarland, Rogers, Schmit, Warner, Withem, Mmes. Labedz, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 663A. Placed on Select File.
LEGISLATIVE BILL 896A. Placed on Select File.
LEGISLATIVE BILL 1004A. Placed on Select File.
LEGISLATIVE BILL 1064A. Placed on Select File.
LEGISLATIVE BILL 902A. Placed on Select File.

LEGISLATIVE BILL 313. Placed on Select File as amended.
E & R amendment to LB 313:
AM7146

1. In the Standing Committee amendments, AM2428:

a. On page 2, line 21, strike the second comma; and in line 22 strike the first comma; and

b. On page 2, line 23; and page 3, line 1, after "the" insert "compensation".

2. On page 1, line 2, strike "section 48-121.01" and insert "sections 48-121.01 and 48-1,110"; in line 4 after the semicolon insert "to provide for an optional insurance deductible for medical benefits as prescribed; to provide a penalty; to harmonize provisions;"; and in line 5 strike "section" and insert "sections".

(Signed) John C. Lindsay, Chairperson

ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 1241 as its priority bill.

Mr. Beyer designates LB 799 as his priority bill.

Mr. Landis designates LB 1136 as his priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 90008

DATE: February 15, 1990

SUBJECT: Constitutionality of LB 1219 - Amendment to Definition of Consummation of Sale Under Neb.Rev.Stat. §77-27,147 (Reissue 1986)

REQUESTED BY: Senator Lowell C. Johnson
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 1219. Generally, LB 1219 would amend the provisions of Neb.Rev.Stat. §77-27,147 (Reissue 1986), establishing the definition of when a retail sale is "consummated" for purposes of determining the application of the Local Option Revenue Act. Currently, §77-27,147(1)(a) provides a retail sale is generally consummated "{a}t the place where title, possession, or segregation takes place, . . . regardless of the business location of the Nebraska retailer. . . ." LB 1219 proposes to amend §77-27,147 to provide that, in the case of retailers delivering live plants or floral arrangements to a place specified by the purchaser, the sale is deemed consummated at the business location of the retailer. The principal constitutional issue raised by this amendment concerns whether the proposed classification is reasonable and does not contravene the prohibition against special legislation in Article III, Section 18, of the Nebraska Constitution.

In State ex rel. Rogers v. Swanson, 192 Neb. 125, 136-37, 219 N.W.2d 726, 734 (1974), the Nebraska Supreme Court stated the following rules regarding the legislative power to classify and the effect of the prohibition against special legislation:

> The Legislature may make a reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but the classification must rest upon real differences of situation and circumstances surrounding the members of the class relative to the subject of legislation which render appropriate its enactment.
>
> The Legislature may legislate in regard to a class of persons, but it cannot take what may be termed a natural class of persons, split that class in two, and then arbitrarily designate the dissevered fractions of the original unit as two classes and enact different rules for the government of each.

(quoting United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956)).

LB 1219 would create a distinction between retailers engaged in the sale and delivery of live plants and floral arrangements and all other retailers by establishing a different rule as to when a retail sale is deemed consummated for purposes of determining the application of the Local Option Revenue Act. As you note in your letter, the intent of the amendment is to relieve floral retailers from the obligation of collecting and remitting local sales tax in situations where deliveries are made to municipalities located outside the place of the location of the retailer. As such, the bill clearly creates different classifications of retailers, each of which are subject to different rules with regard to the burdens and obligations imposed under the Local Option Revenue Act.

While a sufficient reasonable basis may underlie the establishment of the classification drawn by LB 1219, the existence of such is not readily apparent. The record-keeping requirements under the Act may impose a greater burden on retailers engaged in the floral industry than on other retailers who do not engage extensively in the sale of delivered goods. There may well be retailers, however, who are engaged in other businesses which face the same requirements who are not treated in the same manner by the special classification established under LB 1219. It is conceivable that a similarly situated retailer may be able to successfully argue the class created is unreasonable and violative of Article III, Section 18. Indeed, as you point out in your request, a classification under the Local Option Revenue Act creating a distinction in the point of consummation of sale between retailers who maintained a single business location and retailers who maintained more than one business location was declared unconstitutional as creating an unreasonable and improper classification. City of Lincoln v. McNeil, Docket 259, Page 228 (Dec. 31, 1969, Lancaster County District Court).

In conclusion, on the basis of the foregoing, it is our opinion that the classification in LB 1219 creating different treatment of retailers engaged in the delivery of live plants and floral arrangements and other retailers may well constitute unreasonable class legislation in violation of Article III, Section 18, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-375-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

Received report from US Ecology, Inc. indicating its intent to proceed to license a site near Butte, Nebraska, for a regional low-level radioactive waste facility. The notice indicates the Butte site is the only site for which a license document will be prepared.

Received the Nebraska State Energy Office's Annual Report for 1988-1989 in accordance with provisions of Section 81-1607, Nebraska Revised Statutes (1988 Supplement).

MOTION - Approve Appointment

Mr. Haberman moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 833: Connie Witt - Public Employees Retirement Board.

Voting in the affirmative, 26:

Beck
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Korshoj
Kristensen
Lynch
Moore
Morrissey
Nelson
Peterson
Robak
Schellpeper
Scofield
Smith
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Baack
Barrett
Langford

Excused and not voting, 20:

Abboud
Ashford
Bernard-Stevens
Chambers
Chizek
Hall
Hannibal
Hartnett
Johnson, R.
Labedz
Lamb
Landis
Lindsay
McFarland
Pirsch
Rogers
Schimek
Schmit
Warner
Withem

The appointment was confirmed with 26 ayes, 0 nays, 3 present and not voting, and 20 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 256. Read. Considered.

LR 256 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 923. Title read. Considered.

Standing Committee amendment, AM2371, found in the Journal on page 625 for the Twentieth Day, was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1244 and 1245.

LB	**Committee**
1244	Business and Labor
1245	Business and Labor

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

The Appropriations Committee designates LB 1210 and LB 1211 as its priority bills.

Mr. Chambers designates LB 708 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB 931 and LB 1172 as its priority bills.

Mr. Barrett designates LB 1153 as his priority bill.

Mr. Coordsen designates LR 233CA as his priority resolution.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Tuesday, February 27, 1990 Kearney State College, Student Housing	1:00 p.m.

(Signed) Jerome Warner, Chairperson

Business and Labor

LB 1244	Monday, February 26, 1990	3:00 p.m.
LB 1245	Monday, February 26, 1990	3:00 p.m.

(Signed) George Coordsen, Chairperson

MR. HANNIBAL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 42. Mr. Baack renewed his pending amendment, AM2534, found in the Journal on page 793.

Mr. Haberman offered the following amendment to the pending Baack amendment:
FA365
on line 14 page one delete the "on"
on line 15 delete begin with January thru increase.
on line 21 delete word to $79
on line one page 2 delete $1,500.

Mr. Haberman withdrew his pending amendment.

Messrs. Hefner and Chambers offered the following amendment to the pending Baack amendment:
FA366
by striking on pg. 1 line 21 "to seventy-nine"
on pg. 2 line 1 strike "thousand five hundred dollars." and insert "seventy-seven thousand".

PRESIDENT NICHOL PRESIDING

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?"

Mrs. Langford moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Langford motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schmit requested a roll call vote on the Hefner-Chambers amendment.

Voting in the affirmative, 23:

Bernard-Stevens
Beyer
Chambers
Coordsen
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Morrissey
Nelson
Peterson
Rogers
Schellpeper
Scofield
Smith
Wesely
Lt. Gov. Nichol

Voting in the negative, 22:

Ashford
Baack
Beck
Byars
Chizek
Conway
Crosby
Goodrich
Hall
Hartnett
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Robak
Schmit
Warner
Wehrbein
Weihing
Withem

Excused and not voting, 5:

Abboud
Barrett
McFarland
Pirsch
Schimek

The Hefner-Chambers amendment was adopted with 23 ayes, 22 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Baack pending amendment, AM2534, as amended, was adopted with 29 ayes, 5 nays, 11 present and not voting, and 4 excused and not voting.

MRS. LABEDZ PRESIDING

Advanced to E & R for review with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE RESOLUTION 11CA. Placed on General File.

LEGISLATIVE BILL 1229. Placed on General File as amended.
Standing Committee amendment to LB 1229:
AM2544

1. Insert the following new section:

"Sec. 18. (1) Any city conducting an economic development program shall establish a separate economic development fund. All funds derived from local sources of revenue for the economic development program, any earnings from the investment of such funds, any loan payments, any proceeds from the sale by the city of assets purchased by the city under its economic development program, or any other money received by the city by reason of the economic development program shall be deposited into the economic development fund. Except as provided in this section and subsection (4) of section 14 and subsection (7) of section 22 of this act, no money in the economic development fund shall be deposited in the general fund of the city. The city shall not transfer or remove funds from the economic development fund other than for the purposes prescribed in sections 1 to 23 of this act, nor shall the money in the economic development fund be commingled with any other city funds.

(2) All money in the economic development fund not currently required or committed for the purposes of the economic development program shall be invested as provided for in section 77-2341.

(3) In the event that the city's economic development program is terminated as provided in subsection (4) of section 14 or subsection (7) of section 21 of this act, the balance of money in the economic development fund not otherwise committed by contract under the program shall be deposited in the city's general fund. Any funds received by the city by reason of the economic development program after the termination of such program shall be transferred from

the economic development fund to the general fund as such funds are received. The economic development fund shall not be terminated until such time as all projects and contracts related to the program have been finally completed and all funds related to them fully accounted for, with no further city action required, and after the completion of a final audit pursuant to section 21 of this act.

(4) When the economic development program is terminated, the governing body of the city shall by resolution certify the amount of money to be transferred from the economic development fund to the general fund and the amount that is anticipated will be received by the city between such time and the final audit of the economic development fund. The sum of those two amounts shall be divided by the number of years within which funds for the economic development program were collected from local sources of revenue. The resulting figure shall constitute the amount to be applied against the budgeted expenditures of the city during each succeeding year until all funds from the economic development program have been expended. The installments shall be used to reduce the property tax levy of the city by that amount in each year in which they are expended.

(5) If, after the first full budget year within which a city conducts an economic development program, there are three consecutive budget years in each of which more than fifty percent of the money collected from local sources of revenue is not spent or committed by contract for the economic development program, the governing body of the city shall within sixty days of the end of the third budget year call a special election as prescribed in section 22 of this act, to determine if the city should continue its economic development program.".

2. On page 2, line 1, strike "22" and insert "23".

3. On page 3, line 23, after "boundaries" insert "or extraterritorial zoning jurisdiction".

4. On page 13, line 7, after "collected" insert ", except that no city of the metropolitan or primary class shall collect more than three million dollars in any one year and no city of the first or

second class or village shall collect more than one million dollars in any one year".

5. Renumber remaining sections accordingly.

LEGISLATIVE BILL 912. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Judiciary

LEGISLATIVE BILL 838. Placed on General File.
LEGISLATIVE BILL 880. Placed on General File.

LEGISLATIVE BILL 846. Indefinitely postponed.
LEGISLATIVE BILL 1103. Indefinitely postponed.
LEGISLATIVE BILL 1205. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb, Haberman, Rogers, and Mrs. Crosby asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

AM2576

1. Strike the original sections and insert the following new sections:

"Section 1. For purposes of sections 1 to 3 of this act:

(1) Property taxes shall mean all real and personal property taxes levied on owners of real and personal property in this state and actually paid, except property taxes on motor vehicles, exclusive of special assessments, delinquent interest, and charges for services; and

(2) Taxpayer shall mean any person who has incurred a property tax liability to a political subdivision of the state, who is not delinquent in the payment of the liability, and who is the owner of record or vendee in possession under a land contract of the item or parcel of property for which a rebate is claimed or the surviving spouse of such owner or vendee.

Sec. 2. (1) Each taxpayer, upon full payment of his or her property taxes for 1990, may apply for a property tax rebate for property taxes paid for tax year 1990. The application shall be filed by March 1, 1992, with the county treasurer of the county in which the property is located and shall be on a form prescribed by the Tax Commissioner. The form shall include the taxpayer's name, address, and social security number or federal tax identification number. The county treasurer, upon receiving an application shall certify that the taxpayer has paid all property taxes for tax year 1990, and the county assessor shall compute the rebate due.

(2) The rebate for homesteads as defined in section 77-3502 shall be an amount equal to the greater amount of property tax reduction resulting from a homestead exemption of five thousand four hundred dollars or an eight and one-half percent reduction in valuation. The rebate for all other property, except motor vehicles, shall be an amount equal to the reduction in property tax resulting from an eight and one-half percent reduction in valuation.

(3) On or before the twentieth day of each month, each county assessor shall file a listing of taxpayers who have applied during the preceding calendar month for, and are eligible to receive, a rebate with the Tax Commissioner. The listing shall include each taxpayer's name, address, and social security number or federal tax identification number, the legal description of the property, the amount of property taxes paid, the amount of the rebate, and whether all property taxes have been fully paid. The listing shall be filed in the manner prescribed by the Tax Commissioner.

(4) The Tax Commissioner shall issue a rebate check to each taxpayer listed on the listing provided by the county assessor pursuant to subsection (3) of this section within sixty days after the application is made.

Sec. 3. The Tax Commissioner shall keep accurate records for all rebate checks issued. The records shall include, but not be limited to, the amount of each check and the county in which the property is located for which the check is drawn. The Tax Commissioner shall report the total amount of checks issued for each county to the state budget director and the Legislative Fiscal Analyst quarterly until all

18 applications have been processed.".

ANNOUNCEMENTS

Mrs. Labedz designates LB 457 as her priority bill.

The Urban Affairs Committee designates LB 1106 and LB 1229 as its priority bills.

Mr. Conway designates LB 260 as his priority bill.

Mr. Bernard-Stevens designates LB 1062 as his priority bill.

Mrs. Beck designates LB 958 as her priority bill.

Mr. R. Johnson designates LB 1019 as his priority bill.

The Nebraska Retirement Systems Committee designates LB 1039 as its priority bill.

The Revenue Committee designates LB 1028 and LB 1215 as its priority bills.

Mr. McFarland designates LB 226 as his priority bill.

Mr. Hefner designates LB 571 as his priority bill.

The Judiciary Committee designates LB 1003 and LB 1113 as its priority bills.

Mr. Chizek designates LB 880 as his priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 164A. Introduced by Ashford, 6th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 164, Ninety-first Legislature, Second Session, 1990.

NOTICE OF COMMITTEE HEARING

Revenue

LR 242CA	Wednesday, February 21, 1990 (rehearing)	1:30 p.m.
LB 1240	Tuesday, February 27, 1990	1:00 p.m.
LB 1215	Tuesday, February 27, 1990	1:00 p.m.

(Signed) Tim Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 1184 in the Journal. No objections. So ordered.

AM2565

(Amendments to Standing Committee amendments, AM2517)

1. On page 1, line 6, after the period insert "No funds shall be appropriated from the Department of Aeronautics Cash Fund for the purposes of the Nebraska State Airline Authority Act."; and in line 11 after "department" insert ", including audits conducted by certified public accountants".

SELECT FILE

LEGISLATIVE BILL 163. Mr. Hefner renewed his pending amendment (2), AM2141, found in the Journal on page 599.

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1073. Placed on General File as amended.
Standing Committee amendment to LB 1073:
AM2571

1. On page 2, line 4, strike "providers" and insert "provider organizations"; and strike beginning with "and" in line 7 through "pharmacy" in line 9.

LEGISLATIVE BILL 1153. Placed on General File as amended.

(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2572.)

LEGISLATIVE BILL 1072. Indefinitely postponed.

(Signed) David Landis, Chairperson

ANNOUNCEMENTS

Mr. Wesely designates LB 989 as his priority bill.

The Transportation Committee designates LB 1020 as its priority bill.

Mr. Lynch designates LB 1146 as his priority bill.

Mrs. Nelson designates LB 656 as her priority bill.

Mr. Abboud designates LB 1018 as his priority bill.

Mr. L. Johnson designates LB 594 as his priority bill.

Mr. Hannibal designates LB 1221 as his priority bill.

The Natural Resources Committee designates LB 1099 and LB 1179 as its priority bills.

Mr. Schmit designates LB 854 as his priority bill.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Beyer asked unanimous consent to have his name added as co-introducer to AM2229, found in the Journal on page 758, to LB 159. No objections. So ordered.

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 1222. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 16, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brady, Sarah - Washington, D.C.	Handgun Control, Inc.
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	F.I.N. - Financial Institutions of Nebraska Great Plains Auction
Horn, Bernard P. - Washington, D.C.	Handgun Control, Inc.
Kelley, Michael - Omaha	Mutual Protective Insurance Company
Ossenkop, Grant - Lincoln	DeCamp Legal Services, P.C.
Peterson, Debra D. - St. Paul MN	United Telephone Company
Radcliffe, Walter H. - Lincoln	Duncan Aviation, Inc.
Rasmussen, Dennis - Lincoln	Association of Independent Colleges & Universities of Nebraska, Inc. (Withdrawn 89/10/01) Concerned Citizens for Agriculture (Withdrawn 90/01/01) Concerned Citizens of Boyd, Nemaha & Nuckolls Counties (Withdrawn 90/01/01)
Skochdopole, R. A. - Omaha	Association of Independent Colleges & Universities of Nebraska, Inc. (Withdrawn 89/10/01)
Vickers, Tom - Lincoln	Nebraska Association of Naturopathic Physicians (Withdrawn 90/01/31)

VISITORS

Visitors to the Chamber were 65 fourth grade students and teachers from Golden Hills and Anderson Grove Elementary Schools; 13 District 29 Girl Scouts from Calvert School; and Al Smith and son, Mike, from Kearney.

ADJOURNMENT

At 12:02 p.m., on a motion by Mrs. Langford, the Legislature adjourned until 9:00 a.m., Tuesday, February 20, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 20, 1990

LEGISLATIVE JOURNAL

THIRTIETH DAY - FEBRUARY 20, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 20, 1990

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. David L. Parrish, Holy Trinity Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Beck, Mr. Chizek, and Ms. Schimek who were excused; and Messrs. Abboud, Ashford, Baack, Bernard-Stevens, Chambers, Dierks, Hall, Hartnett, R. Johnson, Kristensen, McFarland, Moore, Morrissey, Withem, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 90009

DATE:	February 16, 1990
SUBJECT:	LB 1059 - Constitutionality of Establishing Different Sales Tax Rates for Sales of Motor

Vehicles and Sales of Other Tangible Personal Property

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the constitutionality of a proposed amendment to LB 1059. Generally, LB 1059 is designed, in part, to alter the method of financing the public school system in Nebraska in a manner which will "{p}rovide state support from all sources of state funding for forty-five percent of the general fund operating expenditures of school districts; . . . ." LB 1059, §2(2)(a). The bill provides for an increase in the state income tax rate established in Neb.Rev.Stat. §77-2701.01 (Cum.Supp. 1988) from three and fifteen-hundredths percent to three and seventy hundredths percent. LB 1059, §27. The bill also provides for an increase in the state sales tax rate established in Neb.Rev.Stat. §77-2701.02 (Reissue 1986) from four to five percent. LB 1059, §28. As you note in your request, all proceeds of sales and use taxes derived from sales of motor vehicles, trailers, and semitrailers are credited to the Highway Trust Fund, and are not, as are other proceeds from sales and use taxes, credited to the General Fund. Neb.Rev.Stat. §77-27,132 (Supp. 1989). Therefore, as you note, the additional revenues generated by increasing the sales tax rate as to motor vehicles would not be credited to the General Fund, but would be credited to the Highway Trust Fund. Under such circumstances, this revenue would, under existing law, not be available to provide additional state funding for the public school system. Thus, your question is whether it would be constitutionally permissible to amend LB 1059 to provide a one percent increase in the general state sales tax rate (from four to five percent), while retaining the current four percent rate for sales of motor vehicles, trailers, or semitrailers.

It is generally recognized that a sales tax is an excise tax, and not a property tax. 68 Am.Jur.2d Sales and Use Taxes §4 (1973). In State v. Galven, 221 Neb. 497, 378 N.W.2d 182 (1985), the Nebraska Supreme Court held that a tax imposed on the doing of an act constituted an excise tax and not a property tax and, therefore, the requirement of uniformity in Article VIII, Section 1, of the Nebraska Constitution, did not apply to an excise tax. The Nebraska sales tax, imposed on "all sales of tangible personal property sold at retail," is properly characterized as an excise tax in that it is based on the act or transaction consisting of the occurrence of a retail sale. Neb.Rev.Stat. §77-2703(1) (Reissue 1986); See Pepsi Cola Bottling Co. v. Peters, 189 Neb. 271, 202 N.W.2d 582 (1972). Thus, while the requirement of uniform and proportionate taxation in Article VIII, Section 1, mandates equality in both the valuation of property and the rate of taxation, Xerox Corp. v. Karnes, 217 Neb. 728, 350 N.W.2d 566 (1984), the uniformity requirement applicable to ad valorem property taxes does not apply to excise taxes such as the sales tax. Accordingly, the uniformity provision in Article VIII, Section 1, does not preclude the establishment of different tax rates in the sales tax area, such as contemplated by your proposed amendment to LB 1059.

The question which remains is whether the establishment of different sales tax rates in the manner you propose would create an unreasonable classification in violation of the prohibition against special legislation in Article III, Section 18, of the Nebraska Constitution.

In Stahmer v. State, 192 Neb. 63, 68-69, 218 N.W.2d 893, 896 (1974), the Nebraska Supreme Court stated the following with regard to the power of the Legislature to classify and the prohibition against special legislation under Article III, Section 18:

> It is competent for the Legislature to classify for purposes of legislation, if the classification rests on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. . . .
>
> The Legislature may make a reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but the classification must rest upon real differences in situations and circumstances surrounding the members of the class, relative to the subject of the legislation, which render appropriate its enactment; and to be valid the law must operate uniformly and alike upon every member of the class so designated. (Citations omitted).

In assessing the reasonableness of your proposal to enact a different tax rate for sales of motor vehicles than for sales of other tangible property, it is important to note both the apparent purpose for the increase in the sales tax rate under LB 1059, and the disposition of sales tax revenues raised on sales of motor vehicles under current Nebraska law. As noted, LB 1059 is intended, in part, to alter the method of financing the public school system in Nebraska in a manner which will increase "state support from all sources of funding" to a specified level of school district general fund operating expenditures. LB 1059, §2(2)(a). One of the means by which funding for such increased state support is to be achieved is the one percent increase in the sales tax rate provided for in §28 of LB 1059. Pursuant to §77-27,132, all proceeds from sales and use taxes derived from motor vehicles, trailers, and semitrailers are credited to the Highway Trust Fund, a special fund separate and apart from the state General Fund. See Neb.Rev.Stat. §39-2215 (Reissue 1988). Thus, any increase in the sales tax rate as applied to sales of motor vehicles will not result in an increase in General Fund revenues available for the provision of additional state support for the public school system, as all sales tax revenues generated by sales of motor vehicles are committed to the Highway Trust Fund, a special fund which provides for the allocation and disbursement of monies credited thereto.

On the basis of existing law governing the distribution and allocation of revenues generated by the sale of motor vehicles under §§77-27,132 and 39-2215, it would not appear to be unreasonable for the Legislature to retain the current sales tax rate for sales of motor vehicles while enacting an increase in such rate for other retail sales, in view of the goals and objectives of LB 1059. The establishment of such a classification is consistent with the avowed purpose of LB 1059, as it would recognize revenues from sales of motor vehicles are committed to a special fund which, under current law, would not provide a source of state funds available for increased state financial support for the public school system. Under these circumstances, the classification created by your proposal appears reasonably related to the objective of the bill.

This is not to suggest, however, that other alternatives are not available to the Legislature. For example, the Legislature could amend the present statutory direction that all proceeds from sales and use taxes derived from sales of motor vehicles, trailers, and semitrailers be credited to the Highway Trust Fund by providing that any revenues generated on such sales above the current four percent rate be credited to the General Fund. In this manner, additional state funds available to provide the type of support contemplated by LB 1059 would be generated by the sales tax increase contained in §28 of the bill. Our opinion that your proposal appears constitutional under current law should not be construed to mean that other options are not available to address the situation raised by your request.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-376-2

cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 256.

GENERAL FILE

LEGISLATIVE BILL 1146. Title read. Considered.

Mr. Schmit offered the following amendment:
FA367

1. On page 3, line 8, strike "fifteen percent" and insert "~~percent~~ thirteen percent on January 1, 1991, fourteen percent on January 1, 1992, and fifteen percent on January 1, 1993,".
2. On page 4, line 18, after "8-1510" insert "or which acquires any assets and liabilities from the Resolution Trust Corporation or the Federal Deposit Insurance Corporation,"; and in line 25, after "8-1510" insert "or from the Resolution Trust Corporation or the Federal Deposit Insurance Corporation,".
3. On page 5, line 1, strike "July 1, 1987" and show as stricken and insert "January 1, 1994".
4. Add Emergency Clause.

Mr. Landis requested a division of the question on the Schmit amendment.

The Chair sustained the division of the question.

The first Schmit amendment is as follows:
FA368

2. On page 4, line 18, after "8-1510" insert "or which acquires any assets and liabilities from the Resolution Trust Corporation or the Federal Deposit Insurance Corporation,"; and in line 25, after "8-1510" insert "or from the Resolution Trust Corporation or the Federal Deposit Insurance Corporation,".
3. On page 5, line 1, strike "July 1, 1987" and show as stricken and insert "January 1, 1994".
4. Add Emergency Clause.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The first Schmit amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

The second Schmit amendment is as follows:
FA369
1. On page 3, line 8, strike "fifteen percent" and insert "~~percent~~ thirteen percent on January 1, 1991, fourteen percent on January 1, 1992, and fifteen percent on January 1, 1993,".

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis offered the following amendment to the pending Schmit amendment:
FA370
to amend §1 to strike everything past Jan. 1, 1991.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

SPEAKER BARRETT PRESIDING

Mr. Landis requested a roll call vote on his pending amendment.

Voting in the affirmative, 15:

Bernard-Stevens
Coordsen
Dierks
Haberman
Hannibal
Hefner
Johnson, R.
Korshoj
Lamb
Landis
Lynch
McFarland
Moore
Morrissey
Wehrbein

Voting in the negative, 20:

Abboud
Ashford
Byars
Crosby
Elmer
Goodrich
Hall
Hartnett
Johnson, L.
Labedz
Langford
Lindsay
Robak
Rogers
Schellpeper

Schmit
Smith
Warner
Weihing
Wesely

Present and not voting, 9:

Baack
Barrett
Beyer
Conway
Nelson
Peterson
Pirsch
Scofield
Withem

Excused and not voting, 5:

Beck
Chambers
Chizek
Kristensen
Schimek

The Landis amendment lost with 15 ayes, 20 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Schmit amendment, FA369, was adopted with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 923. Placed on Select File as amended.
E & R amendment to LB 923:
AM7147

1. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

2. On page 6, line 18, after "project" insert an underscored comma.

LEGISLATIVE BILL 42. Placed on Select File as amended.
E & R amendment to LB 42:
AM7148

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 24-201.01, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-201.01. On ~~January 8, 1981~~ July 1, 1989, the salary of the Chief Justice and Judges of the Supreme Court shall be ~~forty-eight thousand three hundred fourteen dollars and eighty cents. As soon as the same may be legally paid under the Constitution of Nebraska, the salary shall be increased to an amount equal to three percent over the salary in effect on January 1, 1986. On July 1, 1989, the salary shall be increased by five percent of the salary received immediately prior to such date~~ sixty-six thousand six hundred eighty-eight dollars and eighty-four cents. On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. That original section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 2, after the comma insert "Reissue"; and in line 3 strike "Supplement, 1988" and insert "of Nebraska, 1943".

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

AM2420

(Amendments to Standing Committee amendments, AM0795)

1. On page 4, strike lines 19 through 23 and insert:

"(2) For purposes of this section and section 6 of this act, the use of an anabolic steroid for the purpose of hormonal manipulation that is intended to increase muscle mass, strength, or weight without a medical necessity to do so or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game shall not be a valid medical purpose or in the course of professional practice.".

GENERAL FILE

LEGISLATIVE BILL 1080. Title read. Considered.

Standing Committee amendment, AM2310, found in the Journal on page 593 for the Nineteenth Day, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Coordsen offered the following amendment:
AM2593

1. Insert the following new sections:

"Section 1. That section 71-1,258, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1,258. (1) A person shall be qualified to be a certified master social worker if he or she (a) has a doctorate or a master's degree in social work from an approved educational program, (b) has had a minimum of at least three thousand hours of experience, in addition to the master's or doctorate degree, in social work under the supervision of a certified master social worker, (c) provides evidence to the board that he or she meets the requirements of subdivisions (1)(a) and (1)(b) of this section, and (d) satisfactorily passes an examination approved by the board. The department, upon the recommendation of the board, may adopt and promulgate rules and regulations defining the experience required under subdivision (1)(b) of this section.

(2) A person shall be qualified to be a certified social worker if he or she (a)(i) has a baccalaureate or master's degree in social work (A) ~~(i)~~

from an approved educational program or (B) ~~(ii)~~ from any program of social work education and training in which the person was enrolled between July 17, 1983, and October 1, 1987, if the person applies to the department for a certificate by October 1, 1990, or has a baccalaureate or master's degree in social work from a nonapproved program or in a field related to social work, such as, psychology, sociology, gerontology, or counseling, and has been actually engaged in the practice of social work for at least one thousand hours, and ~~(b)~~ (ii) provides evidence to the board of his or her professional education and experience, if required, or (b) has been actually engaged in the practice of social work at least twenty hours per week for at least three of the seven years prior to making such application and provides evidence to the board of such practice and applies to the department for a certificate by January 1, 1992.

Sec. 2. That section 71-1,260, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1,260. (1) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified master social work, a certificate to practice as a certified master social worker shall be issued without examination to any applicant who (a) applies to the department for a certificate by October 1, 1987, (b) satisfies the board that he or she has had at least three thousand hours of experience in the practice of social work~~,~~ in addition to the master's or doctorate degree, and (c) satisfies the educational requirements established in subsection (1) of section 71-1,258.

(2) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified social work, a certificate to practice as a certified social worker shall be issued to any applicant who (a) applies to the department for a certificate ~~by October 1, 1987,~~ and satisfies the educational requirements of subsection (2) of section 71-1,258 ~~on July 17, 1986,~~ or (b) provides evidence to the board that he or she has

been actually engaged in the practice of social work at least twenty hours per week for at least three of the seven years prior to ~~July 17, 1986~~ making such application. For purposes of this subsection, ~~actual engagement~~ actually engaged in the practice of social work may include (i) services and activities provided under the direct supervision of a person with at least a master's degree in social work from an approved educational program~~,~~ or (ii) ~~services and activities for which a baccalaureate degree in social work or in a related field of study is required, or (iii)~~ services and activities which are classified by title or description of duties and responsibilities as social work practice. An applicant shall submit all materials, as the board or department may require, to determine his or her qualifications for a certificate to practice as a certified social worker and to determine his or her compliance with the requirements of this subsection. Failure to comply with these provisions shall be sufficient grounds to reject an application for a certificate to practice as a certified social worker under subdivision ~~(2)(b)~~ (b) of this ~~section~~ subsection.”.

2. On page 2, line 5; and page 7, line 2, strike “2” and insert “4”.

3. On page 25, line 1, after “sections” insert “71-1,258, 71-1,260,”.

4. Renumber the remaining sections accordingly.

Mr. Coordsen withdrew his pending amendment.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1080A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1094. Title read. Considered.

Standing Committee amendment, AM2337, found in the Journal on page 611 for the Nineteenth Day, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 688. Title read. Considered.

Standing Committee amendment, AM2354, found in the Journal on page 622 for the Twentieth Day, was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM2588

(Amendments to Standing Committee amendments, AM2354)

1. Strike sections 1 to 4 and insert the following new sections:

"Section 1. (1) Until July 1, 1991, a special care provider may perform routine health care maintenance procedures for individuals with developmental disabilities when such procedures are performed in facilities defined in subsection (2) of this section under the supervision of the attending physician without being in violation of the scope of practice of nursing as provided in section 71-1,132.05. The special care provider shall demonstrate to the attending physician the necessary competency to perform the routine health care maintenance procedures required to meet the special care needs of each individual served. Such procedures shall be performed under the direction of a registered nurse in centers for the developmentally disabled and in special education settings.

(2) For purposes of this section:

(a) Center for the developmentally disabled shall have the meaning provided in section 71-2017.01;

(b) Developmental disability shall have the meaning provided in section 71-2017.01;

(c) Early childhood program shall mean a program licensed under section 71-1911 or approved by the Department of Social Services as an early childhood program;

(d) Foster care setting shall mean a facility licensed under section 71-1902 or approved by the department to provide foster care;

(e) Medicaid waiver facility shall mean a person or facility certified by the Department of Health or the Department of Social Services to provide home and community-based services furnished under home and community-based waivers as defined in Title XIX of the Social Security Act, as amended, 42 U.S.C. 1396;

(f) Routine health care maintenance procedures shall include intermittent catheterization, catheter irrigation, colostomy care, ileostomy care, blood glucose monitoring, gastrostomy tube feeding, or any other procedure that is routinely provided which could have been performed by the individual but for his or her disability;

(g) Special care provider shall mean an individual who performs a routine health care maintenance procedure for an individual, who but for a developmental disability would perform such procedure for himself or herself, when such procedure is performed in an early childhood education program, a center for the developmentally disabled, a special education setting, a medicaid waiver facility, or a foster care setting; and

(h) Special education shall have the meaning provided in section 79-3314.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Messrs. Hall, Haberman, and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely amendment was adopted with 19 ayes, 0 nays, 24 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Speaker Barrett announced his priority bills are as follows: LBs 39, 290, 339, 618, 771, 899, 900, 941, 982, 1009, 1041, 1066, 1073, 1173, 1195, 1219, 1236, 1200, and 1240.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 980A. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1989, LB 813, section 27; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 980, Ninety-first Legislature, Second Session, 1990; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1195A. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1195, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 994 and LB 1080. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 257. Introduced by Chambers, 11th District.

WHEREAS, as millions of better-educated, prosperous Americans are quitting smoking, tobacco companies are directing marketing efforts at minorities and young women; and

WHEREAS, young women and minorities have been shown by federal health statistics to be at unusually high risk for the fatal diseases caused by smoking; and

WHEREAS, public health officials have pointed out that cigarettes are the only legal product that can and does kill people when used as intended; and

WHEREAS, according to federal health statistics, tobacco use has become the largest preventable cause of death and disease among American women, killing more than 125,000 each year; and

WHEREAS, R.J. Reynolds Tobacco Company (R.J.R.) produces large quantities of cigarettes and markets them nationally; and

WHEREAS, the Washington Post obtained and published extensive proposals describing an R.J.R. marketing scheme which raises serious ethical and public health concerns; and

WHEREAS, according to the detailed marketing strategy prepared for the company, R.J.R. plans to introduce a new brand of cigarette called "Dakota" specifically targeting young, poorly-educated White women whom the company labels "virile females"; and

WHEREAS, the new brand is to be test marketed in Houston, Texas, beginning in April 1990; and

WHEREAS, the marketing goal of R.J.R. is to ensnare young White women between the ages of 18 and 24 (the only group of Americans whose rate of smoking continues to increase); and

WHEREAS, strong public outrage and federal government opposition recently forced R.J.R. to cancel plans to test market a brand of cigarette called "Uptown" which specifically targeted Black people; and

WHEREAS, U.S. Health and Human Services Secretary Louis Sullivan, speaking for the Bush administration, has condemned the current R.J.R. scheme, declaring: "It is especially reprehensible to lure young people into smoking and potential lifelong nicotine addiction; and the risk that smoking specifically poses for women adds another tawdry dimension to any marketing effort aimed at young women.".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature joins the national administration and others in condemning the questionable tactic of targeting high-risk, vulnerable groups for the purpose of luring them into nicotine addiction with its attendant personal deleterious results and public health problems.
2. That the Legislature strongly urges R.J.R. to permanently abandon such targeting strategies.
3. That the Legislature commends U.S. Health and Human Services Secretary Sullivan for his vigilance and supports his efforts before the U.S. Senate Labor and Human Resources Committee in opposition to the practice of targeting tobacco advertising.
4. That the Clerk of the Legislature shall send a copy of this resolution to Secretary Louis Sullivan.

Laid over.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Niels Johnson and daughter, Linda; 21 seventh and eighth grade students and sponsors from Emmanuel Lutheran School, York; Mrs. Dale Hilgenkamp, daughters, Amy and Lorie, from Arlington, and Ana Gonzales from Costa Rica; and the Nebraska 4-H Awareness Team.

RECESS

At 11:59 a.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Beck and Ms. Schimek who were excused; and Messrs. Ashford, Chizek, Conway, Haberman, Hannibal, L. Johnson, R. Johnson, Landis, Schmit, Warner, Wehrbein, Weihing, Wesely, Withem, Mmes. Langford, Nelson, and Ms. Scofield who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 579. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

LEGISLATIVE BILL 994. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 994A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 830. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 5 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 938. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 834. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 987. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 987A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 978. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 888. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 917. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 946. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 954. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1077. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1037. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1067. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 831. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 932. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1178. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1102. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1109. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1165. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1217. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1228. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1105. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1119. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1086. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1216. Title read. Considered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

PRESIDENT NICHOL PRESIDING

LEGISLATIVE BILL 1167. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 903. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 844. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 919. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1183. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Ann Spence - Nebraska Investment Council

VOTE: Aye: Senators Conway, Abboud, Schmit, Haberman, and Weihing. Nay: Senators Landis and Wesely. Absent: Senator Lynch.

Kirk Jamison - Nebraska Investment Council

VOTE: Aye: Senators Landis, Conway, Abboud, Schmit, Haberman, Wesely, and Weihing. Nay: None. Absent: Senator Lynch.

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 1202. Placed on General File.

LEGISLATIVE BILL 939. Placed on General File as amended.
Standing Committee amendment to LB 939:
AM2622

1. Strike original sections 1 to 5 and 8.

2. On page 11, strike beginning with "2-201" in line 19 through "51-101" in line 20 and insert "23-343.11 and 23-343.19"; and strike beginning with "and" in line 21 through the last comma in line 22.

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1055. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2621.)

LEGISLATIVE BILL 1079. Indefinitely postponed.

(Signed) Tim Hall, Chairperson

Health and Human Services

LEGISLATIVE BILL 1187. Placed on General File.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendments to LB 1221 in the Journal. No objections. So ordered.

(1)

AM2605

1. On page 5, strike beginning with "of" in line 15 through "promulgate" in line 17; in line 17 reinstate the stricken "shall"; and in line 18 reinstate the stricken "adopt".

2. On page 7, line 17, after the period insert "The board shall have the authority to hear appeals from the plumbing board in matters regarding variances and interpretation of ordinances, rules, and regulations. The board shall adopt rules governing such appeals.".

(2)

AM2596

1. On page 2, line 11, strike "mechanical" and insert "design professional who is either an"; in line 12 strike the first comma and insert "or" and after the final comma insert "and"; and strike beginning with the comma in line 13 through "council" in line 16.

2. On page 4, line 16, strike "four" and insert "three".

(3)

AM2597

1. On page 2, line 12, after "engineer" and after "architect" insert "licensed to practice in the State of Nebraska".

(4)

AM2595

1. Strike original section 1.

2. On page 7, after line 17, insert the following new subsection:

“(3) Cities of the metropolitan class shall adopt a recognized national standard plumbing code.”; and strike beginning with “and” in line 19 through “are” in line 20 and insert “is”.

3. Renumber the remaining section accordingly.

(5)

AM2604

1. On page 5, strike beginning with “of” in line 15 through “promulgate” in line 17; in line 17 reinstate the stricken “shall”; and in line 18 reinstate the stricken “adopt”.

(6)

AM2602

1. On page 4, line 5, after “All” insert “nonplumber” and strike the new matter and reinstate the stricken matter; in line 7 after “village” insert “, and all plumber members shall be licensed within such city or village”; in line 9 strike “The” and show as stricken and strike “plumbers”; and strike beginning with “appointed” in line 10 through the underscored period in line 11 and show the old matter as stricken.

(7)

AM2611

1. On page 6, line 14, after “inspections” insert “, which board shall include one journeyman plumber, one master plumber, and such other members as the mayor deems necessary and proper to carry out the duties of the board”.

(8)

AM2612

1. On page 5, line 5, after “(8)” insert “The plumbing board in a city of the metropolitan class shall maintain a record of all complaints filed in the city regarding violations of the plumbing code and a record of the disposition of each such complaint.

(9)”.

(9)

AM2613

1. Insert the following new section:

"Sec. 3. That section 18-1909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1909. All original and renewal licenses shall be good for one year from ~~their dates; PROVIDED,~~ the date of issuance, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the board showing the holder of the license to be ~~then~~ incompetent or guilty of a willful breach of the rules, regulations, or requirements of the board~~;~~ or of the laws or ordinances relating thereto~~;~~ or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.".

2. On page 7, line 18, strike "section" and insert "sections" and after "18-1906" insert "and 18-1909".

3. Renumber the remaining section accordingly.

(10)

AM2598

1. On page 2, line 14, strike "plumbing" and insert "construction".

(11)

AM2610

1. On page 4, line 14, after "board" insert "in a city of the metropolitan class".

(12)

AM2609

1. On page 4, line 5, strike "plumbers" and insert "nonplumbers".

(13)

AM2603

1. On page 5, line 2, strike "one", show as stricken, and insert "ten".

(14)

AM2600

1. On page 4, line 5, strike the new matter and reinstate the stricken matter.

(15)

AM2606

1. On page 7, line 17, after the period insert "It is the intent of the Legislature that the board currently acting as the Building Board of Review meets the intent of this subsection.".

(16)

AM2607

1. On page 7, strike beginning with "When" in line 13 through "the" in line 15 and show as stricken; and strike beginning with "board" in line 15 through the period in line 17 and show as stricken.

(17)

AM2599

1. On page 2, line 16, after "council" insert "and without reference to any such member's association with a labor organization".

(18)

AM2601

1. On page 4, line 5, strike the new matter and reinstate the stricken matter.

(19)

AM2608

1. On page 3, line 1, after the period insert: "A member shall continue to serve until his or her successor has been appointed and qualified.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 1236 in the Journal. No objections. So ordered.

AM2590

1. Insert the following new section:

"Sec. 3. That section 51-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

51-212. ~~Every~~ Except as provided in section 51-211, every library and reading room supported by public tax shall be forever free to the use of the inhabitants of the city, village, county, or township maintaining such library, subject always to such reasonable regulations as the library board may adopt to render such library of the greatest use to the inhabitants of ~~said~~ the city, village, county, or township. The board may exclude from the use of the library and reading rooms any person who ~~shall~~ willfully violates or refuses ~~violate or refuse~~ to comply with rules and regulations established for the government thereof.".

2. On page 2, line 8, strike "or assistance with use of".

3. On page 3, line 16, strike "primary"; in line 17 after the period insert paragraphing and "(3)"; in line 24 strike "section 51-211" and insert "sections 51-211 and 51-212"; and in line 25 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

Mrs. Nelson asked unanimous consent to print the following amendment to LB 656 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2015.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2556

(Amendments to AM2211)

1. On page 5, line 16, after "person" insert "to the commission."; and strike line 17 and insert "The director shall be appointed by the Governor subject to the approval of a majority of the Legislature and shall serve at the pleasure of the Governor.".

ANNOUNCEMENT

Speaker Barrett withdrew LB 771 as one of the Speaker priority bills.

ADJOURNMENT

At 3:45 p.m., on a motion by Mr. Rogers, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 21, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 21, 1990

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Pirsch.

ROLL CALL

The roll was called and all members were present except Mr. Rogers and Ms. Schimek who were excused; and Messrs. Conway, Hall, R. Johnson, Moore, Schmit, Withem, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2109, 1989 Journal, line 11, after "knowingly" insert "and intentionally" and line 12 strike "I" and insert "III".
The Journal for the Seventy-Seventh Day, 1989, was approved as corrected.
The Journal for the Thirtieth Day, 1990, was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1200. Placed on General File.

LEGISLATIVE BILL 1148. Indefinitely postponed.

(Signed) Dennis Baack, Chairperson

MESSAGES FROM THE GOVERNOR

February 20, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 50, 143, 240, 240A, 465, 350, 350A, 692, and 742 were received in my office on February 15, 1990.

These bills were signed by me on February 15, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

February 20, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation.

Appointee: Randall K. Stinnette, RR 1, Box 24, Inland, NE 68954, (402) 463-8580.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

December 28, 1989

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Arts Council, requiring legislative confirmation.

Appointee: Luigi Waites, 665 S. 26 Street, Omaha, NE 68105, (402) 346-2783.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

January 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln. Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Arts Council, requiring legislative confirmation.

Appointee: Mary Cabella, 920 Maple Street, Sidney, NE 69162, (308) 254-4990.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR

Governor

KAO:tr

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation.

Appointee: Robert J. Stutzman, Box 94759, Lincoln, NE 68509, (402) 471-0850.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation.

Appointee: Leslie Chaffin, Box 19, Norfolk, NE 68701, (402) 371-4203.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation.

Appointee: William Lindholm, 942 W. 11 Street, Wahoo, NE 68066, (402) 443-4281.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation.

Appointee: Marvin Athey, 919 Douglas, Imperial, NE 69033, (308) 882-5151.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

ATTORNEY GENERAL'S OPINION

Opinion No. 90010

DATE: February 15, 1990

SUBJECT: Legislative Confirmation of Gubernatorial Appointments

REQUESTED BY: Senator Loran Schmit and Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

During the special session of the Nebraska Legislature which convened in November, 1989, Governor Orr submitted a number of gubernatorial appointments to the Legislature for confirmation as required by various constitutional and statutory provisions. On the seventh legislative day of the session, November 17, 1989, the Legislature, by majority vote, permitted the Committee on Education and the Committee on Natural Resources to hold certain of those appointments in committee for action at a later date. 91st Nebraska Legislature, First Special Session, Legislative Journal at page 154. You have now asked for our opinion as to the status of those appointments neither approved or disapproved by the Legislature in the special session. You have also asked for our opinion as to the status of various other pending gubernatorial appointments which were not submitted to the Legislature for confirmation due to apparent administrative error. Our response to your questions is set out below.

There are two provisions in our Nebraska Constitution which deal with the appointment of individuals to nonelective state offices. Article IV, Section 10 of the Nebraska Constitution provides, in pertinent part:

> The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the

> Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no person shall be appointed or elected by the Legislature.

The pertinent portions of Article IV, Section 12 of the Nebraska Constitution also provide:

> If any nonelective state office, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment. If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the Legislature. If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment. All appointees shall hold their office until their successors shall be appointed and qualified.

Article IV, Section 10 obviously establishes the general appointment authority held by the Governor. On the other hand, Article IV, Section 12 deals with those situations where there is a vacancy in a particular nonelective state office. Both sections provide for legislative approval of gubernatorial appointments.

For purposes of this opinion, we will assume that the gubernatorial appointments at issue occurred when the Legislature was not in session. We also assume that those appointments were made at the end of a regular term of office, so that the individuals designated by the Governor were appointed to serve at the beginning of a new term.

As noted above, Article IV, Section 12 of the Nebraska Constitution allows the Governor to make a temporary appointment when the Legislature is not in session, and the individual so appointed can serve until the next session of the Legislature, when a majority of the Senators have the right to approve or disapprove the appointment. By previous opinion, we have indicated that, if the Legislature does not exercise that right of approval or disapproval during the next session, the appointee will serve until the end of the term for which he was appointed. See, 1973-1974 Report of the Attorney General, No. 56 at 75. As a result, if Article IV, Section 12 of the Constitution applies to the appointments at issue in the present instance, it would appear that the Legislature's failure to approve or disapprove the individuals involved at the November special session would allow those individuals to serve the remainder of their terms, and their status would be that of properly appointed officials. However, the initial portion of Article IV, Section 12, by its clear language, applies to situations where an office is "vacated by death, resignation or otherwise." Therefore, whether Article IV, Section 12 applies in the current situation turns on whether the end of a fixed term constitutes a "vacancy" in office which may be filled by the Governor by means of a temporary appointment. If the end of a fixed term does not create such a vacancy, then the temporary appointment provisions of Article IV, Section 12 do not apply.

Neb.Rev.Stat. §32-1037 (Reissue 1988) sets out nine separate circumstances which create a vacancy in the civil offices of the state. Although that statute includes death and resignation as events which trigger a vacancy in conformance with Article IV, Section 12 of the Nebraska Constitution, that statute does not list the end of a fixed term as a situation creating a vacant office. Moreover, in an early case, our supreme court stated:

> As a general rule the appointing power has no vacancy to fill upon the expiration of a term, where the incumbent is entitled to hold over until his successor is elected and qualified.

State ex rel. County Attorney v. Willott, 103 Neb. 798, 800, 174 N.W. 429, at 429 (1919). Since Article IV, Section 12 of the Nebraska Constitution does generally provide that, "all appointees shall hold their office until their successors shall be appointed and qualified," we believe that the end of a fixed term in Nebraska does not create a vacancy subject to the provisions of Article IV, Section 12 of the Nebraska Constitution.

Our research indicates that a majority of other authorities supports the proposition that the end of a fixed term does not create a vacancy in office when state law contains constitutional and statutory provisions similar to those in Nebraska. For example, in 164 A.L.R. 1248, 1249, it is stated:

> The greater number of cases have held that during the period in which a public officer holds over after the expiration of his term, under constitutional or statutory authority entitling him to do so until the election and qualification of a successor, there is no vacancy in office which may be filled by an interim appointment.

Similarly, in 81A C.J.S. States §87, the rule is set out:

> Generally, as well as under circumstances or statute so providing, no vacancy exists in an office where the incumbent holds over after expiration of his term until his successor is elected or appointed and has qualified . . .

See also, State ex rel. Gebelein v. Killen, 454 A.2d 737 (Del. 1982); State ex rel. Thompson v. Gibson, 22 Wis.2d 275, 125 N.W.2d 636 (1964); McCall v. Cull, 51 Ariz. 237, 75 P.2d 696 (1938); 63A Am.Jur.2d Public Officers and Employees, §146.

On the basis of these various authorities, we do not believe that the temporary appointment provisions of Article IV, Section 12 of the Nebraska Constitution apply to gubernatorial appointments made at the end of a fixed term. To the extent that our earlier opinion No. 56 from 1973 cited above implies a contrary result, that opinion is in error. We also believe that the status of the appointments in question must be determined from the general provisions of our Constitution dealing with appointments.

Article IV, Section 10 of the Nebraska Constitution provides that the Governor shall appoint various officers "with the approval of a majority of the Legislature." Where an appointment is made as a result of a nomination by one authority and confirmation by another, the appointment is not valid and complete until the actions of all bodies involved have been taken. State ex rel. Johnson v. Hagemeister, 161 Neb. 475, 73 N.W.2d 625 (1955); 67 C.J.S. Officers §42; 63A Am.Jur.2d Public Officers and Employees §117; 1931-1932 Report of the Attorney General, Opinion dated February 5, 1931 at 120. Consequently, the appointments of the officials in the present instance are not complete and final until they are approved by a majority of the Legislature.

However, the Legislature did not approve the appointments at issue during the special legislative session in 1989. Instead, the appointments were held in committee by a majority vote of the Legislature. In order to resolve your questions concerning the status of the gubernatorial appointments, we must necessarily determine whether this delay was constitutionally or statutorily permissible, and what effect, if any, it had on the status of the appointments submitted by the Governor.

In our view, portions of Article IV, Section 12 of our Nebraska Constitution require the Legislature to act on certain temporary gubernatorial appointments at its next session, or lose the right to disapprove those appointments. See, 1972-1973 Report of the Attorney General, Opinion No. 56 at 75. However, those provisions apply to temporary appointments made to fill vacancies and, as noted above, the appointments in the present instance were not made as a result of vacancies under Article IV, Section 12. Apart from those portions of Article IV, Section 12, we can find no other constitutional provisions which require legislative action on interim appointments at the next session, nor is there a statute which requires such results. Our supreme court has noted, however, that Article III, Section 10 of our state Constitution allows the Legislature to determine the rules of its own proceedings, and this power extends to the transaction of any legislative business and to the performance of any duty conferred upon the Legislature by the Constitution. State ex rel. Johnson v. Hagemeister, supra. On the basis of this constitutional provision, it appears that the propriety of the confirmation delays depends upon the Legislature's own rules.

Legislative Rule 3 Sections 3(e)(ii) through 3(e)(v) deal with the legislative confirmation of gubernatorial appointments. Those rules provide that the committee to which an appointment is assigned must prepare a report approving or rejecting the appointment which shall be filed with the Clerk of the Legislature. There is no time frame specified for that report, and nothing in those rules appears to prevent a committee from holding a nomination over from a special session to the regular session. On the other hand. Rule 2, Section 1 of the Legislature's rules provides that, in all matters not covered by the rules, "the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members." A majority of the Legislature voted to allow the committees in question to hold the proffered appointments for later disposition. Therefore, the delay in the confirmation proceedings appears permissible and proper under the Legislature's rules, and also under our Constitution and statutes.

Your initial question concerns the status of those appointments which were neither approved nor disapproved by the Legislature in the November. 1989, special session. As set out in the analysis above, we believe that those appointments are not complete and final pending an approval by the Legislature. Moreover, the Legislature was not required to disapprove those appointments during the special session in order to preserve that right of disapproval. As a result, those appointments remain pending until the Legislature chooses to approve them by a majority vote.

Your second inquiry is as to the status of pending appointments which. due to administrative error, were not forwarded to the Legislature for appropriate action during the special session. Again, on the basis of the analysis above, we believe that those appointments are not final until approved by the Legislature. They remain pending until submitted. and until the Legislature confirms them by majority action.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

5-156-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 642. Title read. Considered.

Standing Committee amendment, AM1368, found in the Journal on page 1657 for the Sixty-Fourth Day, First Session, 1989, was considered.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment lost with 2 ayes, 30 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Haberman offered the following amendment:
FA371
1. Insert the following new section:
"Sec. 2. This act shall not apply to any person residing in any county having a population of fewer than sixty thousand inhabitants.".

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack
Barrett
Bernard-Stevens
Byars
Coordsen
Elmer
Goodrich
Haberman
Hefner
Johnson, R.
Kristensen
Lamb
Langford
Moore
Peterson
Robak
Schellpeper
Scofield
Smith
Wehrbein

Voting in the negative, 16:

Abboud
Ashford
Beck
Chambers
Crosby
Hall
Hannibal
Johnson, L.
Landis
Lindsay
Lynch
McFarland
Morrissey
Pirsch
Schmit
Warner

Present and not voting, 7:

Beyer
Chizek
Dierks
Hartnett
Nelson
Weihing
Withem

Excused and not voting, 6:

Conway
Korshoj
Labedz
Rogers
Schimek
Wesely

The Haberman amendment lost with 20 ayes, 16 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
FA372
1. On page 2, line 23, after "writing" insert "by registered or certified mail, return receipt requested, or by hand delivery".

The Haberman amendment lost with 1 aye, 10 nays, 32 present and not voting, and 6 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Natural Resources

Randall K. Stinnette - Game and Parks Commission

Transportation

Marvin Athey - Board of Public Roads Classifications and Standards
William Lindholm - Board of Public Roads Classifications and Standards
Leslie Chaffin - Board of Public Roads Classifications and Standards

Robert J. Stutzman - Board of Public Roads Classifications and Standards

General Affairs

Mary Cabella - Nebraska Arts Council
Luigi Waites - Nebraska Arts Council

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Wednesday, February 28, 1990 1:30 p.m.
Randall Stinnette - Game and Parks Commission

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1009A in the Journal. No objections. So ordered.

AM2627

1. On page 2, line 2, strike “$70,000” and insert “$100,000”; in line 3 strike “$150,000” and insert “$120,000”; and in line 4 strike “618” and insert “581”.

Mr. Baack asked unanimous consent to print the following amendment to LB 1090 in the Journal. No objections. So ordered.

AM2626

(Amendments to Standing Committee amendments, AM2520)

1. On page 1, line 2, strike “section” and insert “sections”; and in line 3 after the quotation marks insert “Sec. 16. That section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.06. The maximum which the board may require for the first issuance of any certificate or permit, valid for teaching only~~,~~ in all schools~~,~~ for a term of not less than three years, shall be that the applicant is of sound mental and physical health and of good moral character and a statement countersigned by an authorized official of a standard institution of higher education which certifies the grade levels and subject fields or areas of specialization and that the applicant (1) has a baccalaureate degree, except that a master's degree shall be required for the first issuance of any teaching certificate with a speech-language pathologist endorsement, (2) in the case of any person who matriculates in a teacher training program, has satisfactorily completed within two years of the date of application the institution's regular approved or accredited program of preparation for teaching and has met all other appropriate requirements of the institution as a teacher, (3) has achieved a satisfactory score on the basic skills competency examinations established or designated by the State Board of Education pursuant to section 79-1247.05 prior to (a) admission into a Nebraska teacher training program or (b) certification in the case of individuals recommended for certification by a postsecondary institution outside of Nebraska or individuals not matriculating in a teacher training program, and (4) has performed at a satisfactory level, as determined by the State Board of Education, on a subject area examination established or designated by the State Board of Education in each area for which endorsement is sought. Any person who holds the Nebraska Provisional Rural Elementary Certificate on July 10, 1976, may renew that certificate any number of times by earning not less than eight approved semester hours of course work acceptable toward a baccalaureate degree during each of the three-year terms for which the certificate is issued.", insert paragraphing before "Sec.", and strike "33" and insert "34".

2. Insert the following new amendments:

"3. On page 53, line 8, after the third comma insert '79-1247.06,'.

4. Renumber the remaining sections accordingly.".

STANDING COMMITTEE REPORTS

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Janet Elizabeth Bernard-Stevens, M.D. - Environmental Control Council

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, Morrissey, Smith, and Weihing. Absent: Senator R. Johnson.

Connie W. Bunge - Environmental Control Council

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, Smith, and Weihing. Absent: Senator R. Johnson. Not Voting: Senator Morrissey.

Dr. Norman Thorson - Central Interstate Low-Level Radioactive Waste Commission

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, Smith, and Weihing. Nay: Senator Morrissey. Absent: Senator R. Johnson.

LEGISLATIVE BILL 1099. Placed on General File as amended.
Standing Committee amendment to LB 1099:
AM2594

1. On page 3, strike lines 21 and 22 and insert:

"(c) For the laboratory analysis of water samples collected by the districts to provide for quality assurance and uniform documentation of water quality data.".

2. On page 4, line 8, strike "for the" and after "samples" insert "pursuant to section 4 of this act"; in line 19 strike "tasting" and insert "testing"; in line 20 strike "detailing the" and insert "identifying the potential"; in line 21 strike "proposes to" and insert "may"; in line 22 after "area" insert "pursuant to the Nebraska Ground Water Management and Protection Act"; in line 24 after "techniques" insert "or contract with personnel deemed qualified by the department to conduct water sampling"; and in line 25

strike "and" and insert the following new subdivisions:

"(3) Agree to utilize the department's laboratory, the Department of Health's laboratory, or a laboratory which complies with standards set pursuant to section 3 of this act;

(4) Agree to provide documentation of water quality data in a format consistent with department guidelines and data management needs; and".

3. On page 5, line 1, strike "(3)" and insert "(5)".

(Signed) Loran Schmit, Chairperson

Education

LEGISLATIVE BILL 1226. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Judiciary

LEGISLATIVE BILL 1018. Placed on General File as amended.
Standing Committee amendment to LB 1018:
AM2614

1. On page 2, line 8, strike "at" and insert "and strikes with a projectile".

LEGISLATIVE BILL 1174. Placed on General File as amended.
Standing Committee amendment to LB 1174:
AM2375

1. On page 2, lines 23 through 25, strike the new matter and reinstate the stricken matter.

2. On page 3, lines 1, 2, 9 through 12, and 17 through 19, strike the new matter and reinstate the stricken matter; and in line 24 strike "condemnee" and insert "comdemnee's purposeful removal of real or personal property not previously agreed to in writing by the condemner and condemnee from the condemned property".

(Signed) Jerry Chizek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 258. Introduced by McFarland, 28th District.

WHEREAS, the Department of Revenue employees received bonus payments totaling sixty-six thousand two hundred ninety-five dollars ($66,295) in fiscal year 1987-88 and fifty-seven thousand dollars ($57,000) in fiscal year 1988-89; and

WHEREAS, allegations have been made that the distribution of bonuses to Department of Revenue employees has been based on political rather than professional performance; and

WHEREAS, a Nebraska citizen has requested a disclosure of the distribution of bonus payments to Department of Revenue employees; and

WHEREAS, the Tax Commissioner and the Director of Personnel have refused the citizen's request; and

WHEREAS, the Public Counsel has recommended that the Tax Commissioner reveal information about bonuses paid to Department of Revenue employees or to provide, at the very least, access to records reflecting such bonuses to any citizen inquiring about the bonuses; and

WHEREAS, the Nebraska Public Records Act provides for disclosure when any expenditure of public funds is involved; and

WHEREAS, subsection (2) of section 84-712.01 provides that sections 84-712 to 84-712.03 shall be liberally construed whenever certain state records, including payrolls, checks, cash, or expenditures involving public funds are involved in order that the citizens of the state shall have full rights to know of and full access to information on the public finances of the government and the public bodies and entities created to serve them; and

WHEREAS, concealing payroll information is wrong and the public has an absolute right to know how much each Department of Revenue employee receives from public funds; and

WHEREAS, secret bonuses to Department of Revenue employees violate the public's right to know and the concept of open government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature declares its support of the concept of open government and the public's right to know how public funds are being paid to Department of Revenue employees and strongly recommends that the Tax Commissioner and the Director of Personnel disclose the fiscal years 1987-88, 1988-89, and 1989-90

distribution of bonus payments to Department of Revenue employees.
2. That a copy of this resolution be sent to the Tax Commissioner and to the Director of Personnel.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 642. Considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved to indefinitely postpone.

Laid over.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1241. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2501.)

(Signed) David Landis, Chairperson

Urban Affairs

LEGISLATIVE BILL 1221. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1019A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1019, Ninety-first Legislature, Second Session, 1990.

GENERAL FILE

LEGISLATIVE BILL 960. Title read. Considered.

MR. HANNIBAL PRESIDING

Mr. Haberman and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Advanced to E & R for review with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 960A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 507. Indefinitely postponed.
LEGISLATIVE BILL 1049. Indefinitely postponed.
LEGISLATIVE BILL 1120. Indefinitely postponed.

(Signed) Jacklyn Smith, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1246. Introduced by LR 232 Special Investigative Committee: Schmit, 23rd District, Chairperson; Baack, 47th District; Lynch, 13th District; Labedz, 5th District.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2011.02, 29-2011.03, and 50-407, Reissue Revised Statutes of Nebraska, 1943; to provide for a court order requiring testimony or information from witnesses before a special committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1146. Placed on Select File as amended.
E & R amendment to LB 1146:
AM7150

1. In the Schmit amendment, FA368, on page 1, lines 3 and 5, strike the comma.

2. On page 1, line 2, strike "a"; in line 3 strike "restriction" and insert "restrictions"; in line 4 strike the second "and"; and in line 5 after "section" insert "; and to declare an emergency".

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS

General Affairs

The Committee on General Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jon McCafferty - State Electrical Board

VOTE: Aye: Senators Elmer, Hall, Hartnett, Labedz, and Smith. Nay: None. Not Voting: None. Absent: Senators Beck, R. Johnson, and Kristensen.

(Signed) Jacklyn Smith, Chairperson

Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

James Murphy - Public Employees Retirement Board

VOTE: Aye: Senators Haberman, Abboud, Coordsen, Elmer, Schellpeper, and Warner. Nay: None. Absent: None.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Withem, Landis, and Lindsay asked unanimous consent to print the following amendment to LB 851 in the Journal. No objections. So ordered.

AM2620

(Amendments to Final Reading Copy)

1. On page 4, line 1, after "provide" insert "a" and strike "taps" and insert "tap"; in line 2 after "at" insert "a" and strike "locations" and insert "location"; in line 3 strike "customers or facilities" and insert "a customer or facility"; and in line 4 after the period insert "A service tap shall serve no more than one customer.".

Messrs. Baack and Hartnett asked unanimous consent to print the following amendment to LB 1090 in the Journal. No objections. So ordered.

AM2637

(Amendments to Standing Committee amendments, AM2520)

1. On page 1, line 2, strike "section" and insert "sections"; and in line 17 after the first period insert:

"Sec. 34. That section 79-3315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-3315. The Special Education Act shall apply to ~~any children~~ a child from the date of diagnosis or the date of notification of the resident school district to age twenty-one and, if the child's twenty-first birthday occurs during a school year, until the end of that school year. All provisions of state law related to special education which apply to a child who is age twenty shall apply to a child whose twenty-first birthday occurs during a school year until the end of that school year. The State Department of Education, Division of Vocational Rehabilitation, shall, in compliance with federal guidelines, assume responsibility for the training of those individuals whose education or training is terminated and for whom additional supportive services are required.

Sec. 35. That section 79-3322, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows: That section 79-3322, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-3322. The local school board or board of education shall furnish one of the following types of services to the handicapped children who are residents of the school district:

(1) Provide for the transportation expenses for those handicapped children who are forced to leave the school district temporarily because of lack of educational services. A parent or guardian transporting such child shall be paid for each day of attendance at ~~the rate of eighty-six percent of~~ the mileage rate provided in section 81-1176 ~~for state employees~~ for each actual mile or fraction thereof traveled between the place of residence and the program of attendance, and when any parent or guardian transports more than one handicapped child in his or her custody or control enrolled in programs at the same location, the amount of payments to such parent or guardian shall be based upon the transportation of one child. No transportation payments shall be made to a parent or guardian for mileage not actually traveled by such parent or guardian;

(2) Provide for the transportation expenses within the school district of any handicapped child who is enrolled in a special educational program of the district when either (a) the child is required to attend a facility other than what would be the normal school or attendance facility of the child to receive appropriate special educational services or (b) the nature of the child's handicapping condition is such that special transportation is required. A parent or guardian transporting such child shall be paid for each day of attendance at ~~the rate of eighty-six percent of~~ the mileage rate provided in section 81-1176 ~~for state employees~~ for each actual mile or fraction thereof traveled between the place of residence and the program of attendance, and when any parent or guardian transports more than one child in his or her custody or control enrolled in programs at the same location, the amount of payments to such parent or guardian shall be based upon the transportation of one child. No

transportation payments shall be made to a parent or guardian for mileage not actually traveled by such parent or guardian;

(3) Provide visiting teachers for the homebound handicapped child, such teachers to be certified and qualified in the same manner as required for other teachers in Nebraska;

(4) Provide correspondence instruction approved by the Commissioner of Education; or

(5) Provide any other method of instruction approved by the Commissioner of Education.".

2. Insert the following new amendments:

"3. On page 53, line 10, after the second comma insert '79-3315, 79-3322,'.

4. Renumber the remaining sections accordingly.".

VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from Blue Hill Public School; 42 fourth grade students and teachers from Grant Elementary, Fremont; senior American government class and sponsor from Murdock schools; and Senator McFarland's brother, Mark McFarland, from Blue Hill.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Elmer, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 22, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 22, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Dr. Norman E. Leach, The Lincoln Interfaith Council, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, Lamb, and Ms. Schimek who were excused; and Messrs. Abboud, Ashford, Chambers, Hall, Lindsay, McFarland, Moore, Morrissey, Rogers, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1080. Placed on Select File as amended.
E & R amendment to LB 1080:
AM7160

1. In the Standing Committee amendments, AM2310, on page 2, line 9, after "Omnibus" insert "Budget".

2. On page 1, line 9, after the semicolon

insert "to harmonize provisions;".

3. On page 7, line 23; and page 9, line 6, strike "a", show as stricken, and insert "per".

4. On page 7, line 25, after "shifts" insert "seven days per week".

5. On page 9, line 4, strike"71-1,132.06", show as stricken, and insert "71-1,132.05".

6. On page 10, line 13, strike the comma and show as stricken.

7. On page 14, line 24, strike "individual", show as stricken, and insert "private duty nursing registrant".

8. On page 17, line 16, after "that" insert an underscored comma.

9. On page 18, line 5, strike "nonurbanized" and insert "nonurban".

10. On page 20, line 2; and page 24, line 17, strike "instruction", show as stricken, and insert "training".

11. On page 20, lines 4 and 13; and page 24, line 22, strike "of instruction".

12. On page 20, line 6, after "person" insert "required to complete such training".

LEGISLATIVE BILL 1080A. Placed on Select File.

LEGISLATIVE BILL 1094. Placed on Select File as amended.
E & R amendment to LB 1094:
AM7149

1. On page 2, line 24; and page 3, line 5 strike the comma.

LEGISLATIVE BILL 688. Placed on Select File as amended.
E & R amendment to LB 688:
AM7151

1. In the Wesely amendment, AM2588:

a. On page 1, strike beginning with "facilities" in line 7 through "section" in line 8 and insert "an early childhood program, a center for the developmentally disabled, a special education setting, a medicaid waiver facility, or a foster care setting"; and

b. On page 3, strike beginning with the comma in line 4 through "setting" in line 8.

2. On page 1, strike beginning with "public"

in line 1 through line 9 and insert “individuals with developmental disabilities; to authorize the provision of routine health care maintenance procedures by special care providers as prescribed; to define terms; and to declare an emergency.”.

LEGISLATIVE BILL 579. Placed on Select File as amended.
E & R amendment to LB 579:
AM7158

1. On page 2, line 8, strike “representatives”, show as stricken, and insert “representative”.

LEGISLATIVE BILL 994. Placed on Select File as amended.
E & R amendment to LB 994:
AM7152

1. On page 2, line 15, after “health” insert “care”.

2. On page 3, line 4, strike the comma and after “or” insert a comma; in line 9 strike the comma and insert “and”; in line 10 strike the comma; and in line 24 strike “Department of Health” and insert “department”.

3. On page 4, line 5, strike “Office of Rural Health” and insert “office”.

LEGISLATIVE BILL 994A. Placed on Select File.
LEGISLATIVE BILL 830. Placed on Select File.
LEGISLATIVE BILL 938. Placed on Select File.
LEGISLATIVE BILL 834. Placed on Select File.

LEGISLATIVE BILL 987. Placed on Select File as amended.
E & R amendment to LB 987:
AM7154

1. On page 1, strike beginning with “the” in line 1 through “Act” in line 2 and insert “recycling”; and in line 4 after the semicolon insert “to change provisions relating to state government recycling;” and strike “the” and insert “an”.

2. On page 3, line 1, strike “energy-” and insert “energy-saving”.

3. On page 4, line 6, strike “is” and show as stricken; and strike beginning with “for” in line 11 through “and” in line 14, show the old matter as

stricken, and insert "required by section 4 of this act and from the sale of".

LEGISLATIVE BILL 987A. Placed on Select File.
LEGISLATIVE BILL 978. Placed on Select File.
LEGISLATIVE BILL 888. Placed on Select File.

LEGISLATIVE BILL 917. Placed on Select File as amended.
E & R amendment to LB 917:
AM7153

1. On page 2, line 6, after "and" insert "for".

LEGISLATIVE BILL 946. Placed on Select File.
LEGISLATIVE BILL 954. Placed on Select File.
LEGISLATIVE BILL 1077. Placed on Select File.

LEGISLATIVE BILL 1037. Placed on Select File as amended.
E & R amendment to LB 1037:
AM7156

1. On page 5, line 5, strike "or" and insert "and a Class II school district shall not count".

LEGISLATIVE BILL 1067. Placed on Select File.

LEGISLATIVE BILL 831. Placed on Select File as amended.
E & R amendment to LB 831:
AM7155

1. On page 2, line 6, strike the comma and show as stricken.

LEGISLATIVE BILL 932. Placed on Select File.
LEGISLATIVE BILL 1178. Placed on Select File.

LEGISLATIVE BILL 1102. Placed on Select File as amended.
E & R amendment to LB 1102:
AM7159

1. On page 5, line 15, strike "and" and show as stricken, strike the second "of" and show as stricken, and after "pleading" insert an underscored comma.

LEGISLATIVE BILL 1109. Placed on Select File.

LEGISLATIVE BILL 1165. Placed on Select File as amended.
E & R amendment to LB 1165:
AM7157

1. On page 1, line 4, strike "metropolitan".
2. On page 2, line 9, strike "metropolitan".

LEGISLATIVE BILL 1217. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Crosby asked unanimous consent to print the following amendment to LB 923 in the Journal. No objections. So ordered.

AM2628

1. On page 6, line 16, after "license" insert "and telecommunications companies engaged in activities which are excluded from the definition of asbestos project".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 313 in the Journal. No objections. So ordered.

AM2646

1. Insert the following new section:

"Sec. 3. That section 48-161, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-161. All disputed claims for workers' compensation shall be submitted to the Nebraska Workers' Compensation Court for a finding, award, order, or judgment. Such court shall have jurisdiction to decide any issue ancillary to the resolution of an employee's right to workers' compensation benefits.".

2. In the Standing Committee amendments, AM2428, page 4, line 1, after "48-121.01" insert ", 48-161,".
3. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 259. Introduced by Barrett, 39th District.

WHEREAS, the Nebraska Jaycees has played a vital part in the development of young leaders for our state through the management training and personal growth programs offered by this organization for the past sixty-three years; and

WHEREAS, this organization of young people has contributed to the betterment of this state and nation through its involvement in such programs as youth sports, aid to the elderly, Muscular Dystrophy Association, "Just Say No", Cystic Fibrosis, St. Jude Childrens Research Hospital, aid to foster children, American Cancer Society, governmental affairs, and LEADERSHIP NEBRASKA; and

WHEREAS, the Nebraska Jaycees has had one of its most successful years in all of its history in membership growth, making a positive impact upon thousands of Nebraskans with more than six thousand two hundred members and one hundred ten chapters in communities across the state; and

WHEREAS, the Nebraska Jaycees is currently the number one Jaycee state in America in the United States Jaycee Parade of States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature proclaims the day of February 23, 1990, as Nebraska Jaycee Governmental Affairs Day and urges all citizens of the state to give full regard to the past and continuing services of the Nebraska Jaycees.

Laid over.

MESSAGES FROM THE GOVERNOR

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation.

Appointee: Mike Gorges, 6544 L Street, Omaha, NE 68117, (402) 895-9263.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Rural Health Manpower Commission, requiring legislative confirmation.

Appointee: Kimberly Ann Apker, 12724 Crown Point Ave., Omaha, NE 68164, (402) 493-3024.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council, requiring legislative confirmation.

Appointee: Rich Bailey, 900 NBC Center, Lincoln, NE 68508, (402) 423-1607.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

February 15, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Nebraska Arts Council, requiring legislative confirmation.

Appointee: Catherine Ferguson, 5113 Nicholas Street, Omaha, NE 68132, (402) 553-4072.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

REPORT

Received minutes of the Board of Public Roads Classifications and Standards from the Nebraska Department of Roads for December 15, 1989.

ANNOUNCEMENT

The Chair announced today is Senator Goodrich's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 602. With Emergency.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-2215.01, Reissue Revised Statutes of Nebraska, 1943, section 66-424, Revised Statutes Supplement, 1988, and sections 39-2215, 66-473, and 66-605.02, Revised Statutes Supplement, 1989; to change provisions relating to the allocation of funds in the Highway Trust Fund to the Department of Roads as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay
Lynch
Nelson
Peterson
Pirsch
Robak
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 11:

Abboud
Chambers
Hall
Johnson, R.
Lamb
McFarland
Moore
Morrissey
Rogers
Schimek
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 856.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3404, 2-3901, 2-3902, 2-3910, and 2-3912, Reissue Revised Statutes of Nebraska, 1943, and section 2-3914, Revised Statutes Supplement, 1988; to update references to certain state and federal titles and documents; to include additional procedures by reference in the Nebraska Pasteurized Milk Law as prescribed; to update effective dates to include additional referenced materials; to eliminate provisions requiring safety valves on receptacles holding certain gases; to eliminate a penalty; and to repeal the original sections, and also sections 66-101 and 66-102, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 7:

Hall
Johnson, R.
Lamb
Morrissey
Rogers

Schimek
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 857.

A BILL FOR AN ACT relating to veterans; to amend section 80-401.01, Reissue Revised Statutes of Nebraska, 1943; to list the names of the recognized veterans organizations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 7:

Hall
Johnson, R.
Lamb
Morrissey
Rogers
Schimek
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 858.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-310, Reissue Revised Statutes of Nebraska, 1943; to change provisions for the registration period for certain motor vehicles as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Schellpeper
Scofield
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Labedz
Weihing

Excused and not voting, 7:

Hall
Johnson, R.
Lamb
Morrissey
Rogers
Schimek
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 874. With Emergency.

A BILL FOR AN ACT relating to counties; to amend section 23-906, Reissue Revised Statutes of Nebraska, 1943; to change the date for submission of the county budget document; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 6:

Crosby
Hall
Johnson, R.
Lamb
Morrissey
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 875.

A BILL FOR AN ACT relating to certificates of title; to amend section 60-106, Reissue Revised Statutes of Nebraska, 1943; to exempt cabin trailers from vehicle identification inspection requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Ashford

Present and not voting, 3:

Korshoj
Kristensen
Labedz

Excused and not voting, 6:

Crosby
Hall
Johnson, R.
Lamb
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 891.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.11, Revised Statutes Supplement, 1989; to change provisions relating to personalized prestige license plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay

Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Labedz

Excused and not voting, 6:

Crosby
Hall
Johnson, R.
Lamb
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 893.

A BILL FOR AN ACT relating to counties; to amend section 23-1112, Reissue Revised Statutes of Nebraska, 1943; to change the mileage rate allowed county officers as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Scofield
Wehrbein
Weihing
Withem

Voting in the negative, 5:

Beck
Pirsch
Smith
Warner
Wesely

Excused and not voting, 6:

Crosby
Hall
Johnson, R.
Lamb
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 906.

A BILL FOR AN ACT relating to soil and water conservation; to amend section 2-1579, Reissue Revised Statutes of Nebraska, 1943; to change the percentage of funds reserved for landowner grants as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Crosby
Hall
Johnson, R.
Lamb
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 907.

A BILL FOR AN ACT relating to public power; to amend sections 70-504 and 70-628.01, Reissue Revised Statutes of Nebraska, 1943; to remove restrictions on sales, leases, combinations, mergers, and consolidations by districts; to require a vote of the board of directors for such actions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Crosby
Hall
Johnson, R.
Lamb
Morrissey
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 957.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-103, 16-104, 16-302.01, and 16-306, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the reorganization of second-class cities as first-class cities; to change provisions relating to the division of a city into election wards; to change provisions relating to the election and terms of council members following reorganization; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Crosby
Hall
Johnson, R.
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 964.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1722, Reissue Revised Statutes of Nebraska, 1943; to provide for the collection of costs of work on certain buildings or structures as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
McFarland
Moore

Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch
Scofield

Excused and not voting, 5:

Crosby
Hall
Johnson, R.
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 966.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-404, Revised Statutes Supplement, 1989; to change a provision relating to passage of ordinances in a city having a commission form of government; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 4:

Hall
Johnson, R.
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 984.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3903, 44-4010, 44-4802, 44-4803, 44-4806, 44-4809, 44-4810, 44-4812, and 44-4854, Revised Statutes Supplement, 1989; to change provisions relating to continuing education for certain licensees; to provide for an agent's license without examination for certain real estate brokers and salespersons; to define, redefine, and eliminate certain terms; to eliminate certain nonprofit service plans and beneficial societies from proceedings authorized by the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to change provisions relating to penalties, director's orders, seizure orders, ancillary summary proceedings, and grounds for rehabilitation under such act; to harmonize provisions; to eliminate a provision relating to losses paid by a ceding insurer; and to repeal the original sections, and also section 44-419, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 4:

Hall
Johnson, R.
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 997. With Emergency.

A BILL FOR AN ACT relating to the Commission on Rural Health Manpower; to amend section 71-5612, Revised Statutes Supplement, 1988; to change the termination date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 5:

Hall
Johnson, R.
Lamb
Schimek
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1013.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-620, Reissue Revised Statutes of Nebraska, 1943; to change appointment provisions for the treasurer; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 4:

Hall
Johnson, R.
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 602, 856, 857, 858, 874, 875, 891, 893, 906, 907, 957, 964, 966, 984, 997, and 1013.

RESOLUTION

LEGISLATIVE RESOLUTION 260. Introduced by Nelson, 35th District; Bernard-Stevens, 42nd District; Scofield, 49th District;

Weihing, 48th District; Conway, 17th District; Withem, 14th District; McFarland, 28th District; Baack, 47th District; Crosby, 29th District; Dierks, 40th District; Chizek, 31st District.

WHEREAS, the importance of high-quality, well-coordinated public postsecondary education in Nebraska's future has been repeatedly recognized in recent strategic planning processes, including New Horizons and New Seeds for Nebraska. Phase I of the Legislature's LB 247 study of postsecondary education has noted a need for the state to provide incentives to colleges and universities for cooperation, innovation, and coordination, and enhanced telecommunications technologies have much potential to bring about greatly increased access, coordination, and responsiveness within Nebraska postsecondary education.

Several communities have taken initiatives to bring together postsecondary educational institutions to work cooperatively to address the education needs of their communities, which community initiatives have come to be known as education centers. The Legislature commends the citizen leadership and initiative in proposing the Panhandle Center for Lifelong Learning, the Mid-Plains Educational Partnership, the Grand Island College Park, and the Northeast Nebraska Education Center and recognizes the importance of and wishes to support the planning processes for each of the proposed education centers by providing funding for program and activity planning.

Phase I of the Legislature's LB247 study of postsecondary education has identified the need for coordinated planning of the proposed postsecondary education centers. The Legislature's Education Committee should monitor the development of plans for the four proposed education centers and coordinate such community initiatives with phase II of the LB247 study of postsecondary education during the 1990 interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 855. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 855A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1090. Title read. Considered.

Standing Committee amendment, AM2520, found in the Journal on page 779 for the Twenty-Sixth Day, was considered.

Mr. Baack renewed his pending amendment, AM2626, found in the Journal on page 893, to the Standing Committee amendment.

The Baack amendment was adopted with 20 ayes, 0 nays, 25 present and not voting, and 4 excused and not voting.

Messrs. Baack and Hartnett renewed their pending amendment, AM2637, found in the Journal on page 901, to the Standing Committee amendment.

The Baack-Hartnett amendment was adopted with 15 ayes, 0 nays, 30 present and not voting, and 4 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
AM2647

1. Insert the following new sections:

"Sec. 9. That section 79-4,140.10, Revised Statutes Supplement, 1988, be amended to read as

follows:

79-4,140.10. There is hereby created an Educational Technology Center within the State Department of Education and two Educational Technology Satellite Centers which shall act in partnership with the Educational Technology Center. The mission of the ~~center~~ centers shall be to achieve the legislative goals set forth in section 79-4,140.09 and to provide leadership and support for the introduction and integration of technology and innovation into Nebraska elementary and secondary schools in order to provide quality education and equal opportunity for Nebraska learners. One Educational Technology Satellite Center shall be located in the city of North Platte, Nebraska, and one in the city of Scottsbluff, Nebraska.

Sec. 10. That section 79-4,140.13, Revised Statutes Supplement, 1988, be amended to read as follows:

79-4,140.13. The Educational Technology Center shall establish a program to provide funds to support partnerships between the Educational Technology Center and Educational Technology Satellite Centers and educational ~~services~~ service units and other public or private agencies or entities for technology projects which have the greatest potential to enhance the quality of instruction in Nebraska schools or to broaden the educational opportunities for Nebraska learners.

Sec. 11. The Educational Technology Satellite Centers shall provide:

(1) A computer and technology laboratory with the hardware appropriate to instructional applications for both teaching and management, including state-of-the-art hardware to the extent appropriate for classroom applications;

(2) A laboratory for the inservice training of educators in hardware and software applications;

(3) A laboratory for review and evaluation of software;

(4) A laboratory for creating software programs and applications to instruction;

(5) A library of software for review, evaluation, and distribution; and

(6) Technical assistance to educators and school districts in planning for computer

implementation, applications of computer-assisted instruction, and individual consultation.

Sec. 12. The State Department of Education shall aid in obtaining:

(1) A reciprocal partnership with educational agencies in each community in which an Educational Technology Satellite Center will be located for an appropriate facility and location;

(2) Computer systems with appropriate networking for each satellite center; and

(3) A library of current software, a director, and a modem tie into the computer system of the department for each satellite center.".

2. On page 53, line 11, strike "section" and insert "sections 79-4,140.10, 79-4,140.13, and".

3. Renumber remaining sections accordingly.

The Bernard-Stevens amendment was adopted with 15 ayes, 0 nays, 30 present and not voting, and 4 excused and not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Withem moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for review with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1228. Placed on Select File.
LEGISLATIVE BILL 1105. Placed on Select File.
LEGISLATIVE BILL 1119. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1136. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2585.)

(Signed) David Landis, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 22, 1990, at 10:35 a.m., were the following bills: 602, 856, 857, 858, 874, 875, 891, 893, 906, 907, 957, 964, 966, 984, 997, and 1013.

(Signed) Jeffrey DeLine, Enrolling Clerk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1246 and Governor appointments.

LB	Committee
1246	Judiciary

General Affairs

Catherine Ferguson - Nebraska Arts Council
Rich Bailey - Nebraska Arts Council

Health and Human Services

Kimberly Ann Apker - Rural Health Manpower Commission

Transportation

Mike Gorges - Motor Vehicle Industry Licensing Board

(Signed) Bernice Labedz, Chairperson

Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Messrs. Hefner and Coordsen asked unanimous consent to print the following amendment to LB 315 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2508.)

Mr. Conway asked unanimous consent to print the following amendment to LB 965 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2453.)

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1184A. Introduced by Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1184, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 1032. Title read. Considered.

Standing Committee amendment, AM2438, found in the Journal on page 688 for the Twenty-Fourth Day, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Barrett offered the following amendment:
FA372

Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The Barrett amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1236. Title read. Considered.

Mrs. Smith renewed her pending amendment, AM2590, found in the Journal on page 878.

SPEAKER BARRETT PRESIDING

The Smith amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1009. Title read. Considered.

Standing Committee amendment, AM2197, found in the Journal on page 463 for the Thirteenth Day, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Hall offered the following amendment:
FA373
on page 2, Sec. 2, line 21 & 22 by striking "employ personnel, contract for services, and"

Mr. Hall withdrew his pending amendment.

Mr. Chambers offered the following amendment:
FA374
Strike section 4

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Messrs. Barrett, Byars, Peterson, Withem, and Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers amendment was adopted with 27 ayes, 4 nays, 7 present and not voting, and 11 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 1053. Placed on General File as amended.
Standing Committee amendment to LB 1053:
AM2636

1. Strike original section 18 and insert the following new section:

"Sec. 17. That section 9-306.01, Revised Statutes Supplement, 1989, be amended to read as follows:

9-306.01. Designated premises shall mean one location selected by a licensed organization at which individual pickle cards may be sold as opportunities for participation in a lottery by the sale of pickle cards. Only one of the following types of locations may be selected as a designated premises: (1) In the case of an organization holding a certificate of exemption under section 501(c)(3), (c)(4), or (c)(5) of the Internal Revenue Code or a volunteer fire company, one piece of real property which is owned, leased, or used by the organization as its principal office, which is in use by the organization primarily for purposes other than the conduct of gaming activities, and which is not used in connection with any other type of retail business activity other than an occasional sale as defined in subdivision (6) of section 77-2702; or (2) in the case of an organization holding a certificate of exemption under section 501(c)(8), (c)(10), or (c)(19) of the Internal Revenue Code, one piece of real property which is owned, leased, or used by the organization as its principal office and which ~~has been~~ is in use by the organization primarily for purposes other than the conduct of gaming activities. ~~for at least one year prior to its selection as a designated premises.~~ For purposes of this section, principal office shall mean the place where the principal affairs and business of the licensed organization are transacted, including where the officers and members assemble to discuss and transact the business of the organization, where its meetings are held, and generally where its records are kept.".

2. On page 57, line 19, strike "personally"; in line 20 strike "and shall not be delivered to a" and insert "in any manner which results in a signed receipt from the"; and in line 21 after "operator" insert ", including".

3. On page 61, line 13, after the period insert "Upon receipt of an affidavit of ownership, the Tax Commissioner shall relinquish possession of a seized coin-operated or currency-operated pickle card dispensing device to the lawful owners of the device if the device is not needed as evidence by the department, any county attorney, or the Attorney General at an administrative or judicial hearing, if contraband pickle cards have been removed from the device and, if the device was seized due to the owner's violation of subsection (2) of section 9-345.03, the owner has applied for and has received a current registration decal for the seized device.".

4. On page 62, line 10, reinstate the stricken "or"; and strike beginning with the comma in line 11 through "device" in line 12.

5. On page 73, line 17, strike "shall" show as stricken, and insert "may".

6. On page 91, line 18, after "license" insert "or licensed as a lottery operator".

7. On page 100, line 16, strike "9-320,"; and in line 18 after the last comma insert "9-306.01,".

8. Renumber remaining sections accordingly.

(Signed) Jacklyn Smith, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 996. Placed on General File as amended.
Standing Committee amendment to LB 996:
AM2643

1. Strike original section 6 and insert the

following new sections:

"Sec. 6. Any financial institution or any officer, employee, agent, or director thereof who knowingly and willfully violates subsection (1) of section 3 of this act shall be subject to a civil penalty which may not exceed fifty dollars for each day the violation continues. The cumulative civil penalty for separate violations shall not exceed one hundred dollars.

Sec. 7. If the information required by subsection (1) of section 3 of this act which has been available to the superintendent from a federal agency subsequently becomes unavailable, a financial institution shall not be subject to the civil penalties provided for in section 6 of this act unless the financial institution has been notified by the superintendent that (1) the information is no longer available from a federal agency and (2) the financial institution is required to provide the information to the Nebraska State Patrol.".

2. On page 2, line 3, strike "United States"; strike lines 10 through 13 and insert "financial agency, or financial institution as defined by 31 U.S.C. 5312 and 31 C.F.R. 103 as they exist on the effective date of this act;"; in line 15 strike the period and insert "; and"; after line 15 insert the following new subdivision:

"(4) Transaction shall mean the deposit, withdrawal, transfer, bailment, loan, pledge, payment, or exchange of currency by, through, or to a financial institution."; in line 16 before "Every" insert "(1)"; in line 20 after the period insert "The filing with the Nebraska State Patrol of a duplicate copy of each report required by 31 U.S.C. 5313 and 31 C.F.R. 103.22 shall satisfy all reporting and record keeping requirements of this section."; and after line 24 insert the following new subsections:

"(2) The reporting and record keeping requirements of this section shall not apply if the information in the report required by 31 U.S.C. 5313 and 31 C.F.R. 103.22 is available to the superintendent from a federal agency.

(3) No financial institution or any officer, employee, agent, or director thereof filing a report

pursuant to this section shall be liable to any person for any loss or damage caused in whole or in part by the making, filing, or governmental use of the report or any information contained therein.".

(Signed) Dennis Baack, Chairperson

Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Stuart B. Embury, M.D. - Rural Health Manpower Commission

VOTE: Aye: Senators Byars, Crosby, Goodrich, Lynch, Schellpeper, and Wesely. Nay: None. Absent: Senator Dierks.

Alice Bartels - Foster Care Review Board

VOTE: Aye: Senators Byars, Crosby, Goodrich, and Schellpeper. Nay: Senator Wesely. Not Voting: Senator Lynch. Absent: Senator Dierks.

Patricia A. McQuillan - Board of Health
Marilyn Wartig - Rural Health Manpower Commission

VOTE: Aye: Senators Byars, Crosby, Dierks, Goodrich, Schellpeper, and Wesely. Nay: None. Absent: Senator Lynch.

Bruce L. Gilmore - Board of Health
Margaret A. Allington - Board of Health
Carl I. Maltas - Board of Health
Kathryn Weil Simon - Board of Health
Timothy O. Wahl, M.D. - Board of Health
Betty Matz - Foster Care Review Board

VOTE: Aye: Senators Byars, Crosby, Dierks, Goodrich, Schellpeper, and Wesely. Nay: None. Absent: Senator Lynch.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 1221 in the Journal. No objections. So ordered.

AM2397

1. On page 6, line 13, strike "to" and insert "which shall"; in line 14 strike "building" and insert "plumbing"; strike beginning with the period in line 14 through "shall" in line 15 and insert "and"; in line 15 strike "ordinances, rules," and insert "rules"; in line 16 strike the second "and" and insert "not inconsistent with the laws of the state or the ordinances of the city, for the sanitary construction, alteration, and inspection of plumbing and sewerage connections and drains placed in or in connection with any and every building in such city, in which it will prescribe the kind and size of materials to be used in such plumbing and the manner in which such work shall be done. The rules and regulations, except such as are adopted for its own convenience only, shall be approved by ordinance by the mayor and city council of such city. The board"; and in line 17 strike "its", show as stricken, and insert "the".

Mr. Wesely asked unanimous consent to print the following amendment to LB 1146 in the Journal. No objections. So ordered.

AM2635

1. Insert the following new sections:

"Section 1. That section 8-901, Revised Statutes Supplement, 1988, be amended to read as follows:

8-901. Sections 8-901 to 8-904 and sections 3 to 6 of this act shall be known and may be cited as the Bank Holding Company Act of 1963.

Sec. 2. That section 8-902, Revised Statutes Supplement, 1988, be amended to read as follows:

8-902. ~~As used in~~ For purposes of the Bank Holding Company Act of 1963, unless the context otherwise requires:

(1) Bank shall mean any national bank doing business in this state or any bank which is chartered to conduct a bank in this state as provided by sections 8-115 and 8-116;

(2) Company shall mean any corporation, business trust, association, or similar organization but shall not include:

(a) An individual;

(b) Any partnership; or

(c) Any corporation, the majority of shares of which are owned by the United States or any state;

(3) (a) Bank holding company shall mean any company:

(i) Which directly or indirectly owns or controls twenty-five percent or more of the voting shares of each of two or more banks;

(ii) Which controls in any manner the election of the majority of the directors of each of two or more banks; or

(iii) For the benefit of whose shareholders or members twenty-five percent or more of the voting shares of each of two or more banks or a bank holding company ~~is~~ are held by trustees.

(b) Notwithstanding the foregoing:

(i) No estate, trust, guardianship, or conservatorship or fiduciary thereof shall be a bank holding company by virtue of its ownership or control of shares of stock of banks as herein defined if such trust is not a business trust or voting trust. It shall be unlawful for any such estate, trust, guardianship, or conservatorship to acquire, by purchase, ownership or control of twenty-five percent or more of the shares of any additional bank;

(ii) No company shall be a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of bank shares and which are held only for such period of time as will permit the sale thereof on a reasonable basis; and

(iii) No company shall be a bank holding company by virtue of its ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith;

(4) Nebraska bank shall mean a bank which, on and after January 1, 1990, (a) has its principal office located in Nebraska, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of its total deposits in Nebraska, and (c) is not

directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska;

(5) Nebraska bank holding company shall mean a bank holding company which, on and after January 1, 1990, (a) has its principal office located in Nebraska, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of all of its subsidiaries in Nebraska, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska;

(6) Regional out-of-state bank shall mean a bank which, on and after January 1, 1990, (a) has its principal office located in one of the north-central states, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of its total deposits in one or more of the north-central states, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska or one of the north-central states;

(7) Regional out-of-state bank holding company shall mean a bank holding company which, on and after January 1, 1990, (a) has its principal office located in one of the north-central states, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of all of its subsidiaries in one or more of the north-central states, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska or one of the north-central states; ~~and~~

(8) North-central states shall mean the states of Wisconsin, Minnesota, North Dakota, Montana, South Dakota, Wyoming, Colorado, Kansas, Iowa, and Missouri; and

(9) Director shall mean the Director of Banking and Finance.

Sec. 3. The director shall require each

regional out-of-state bank holding company or subsidiary thereof to file an annual report which describes the manner in which the community investment needs of the community served by the bank holding company or its subsidiary have been met. The director may accept reports filed by such bank holding company under the federal Community Reinvestment Act of 1977 to fulfill the requirements of this section.

Sec. 4. The director shall develop a rating system for regional out-of-state bank holding companies or subsidiaries thereof. The rating system shall measure the performance of each such bank holding company or its subsidiary in meeting the community investment needs of the community it serves and shall set minimum standards for meeting such needs.

Sec. 5. On or after January 1, 1992, a regional out-of-state bank holding company or its subsidiary which fails to meet minimum community investment standards set by the director shall not be eligible for deposit of public funds authorized by section 72-1263.

Sec. 6. The director shall adopt and promulgate rules and regulations to carry out sections 3 to 5 of this act.

Sec. 7. That section 8-902.05, Revised Statutes Supplement, 1988, be amended to read as follows:

8-902.05. Sections 8-902.03 and 8-902.04 and sections 3 to 6 of this act shall not apply to any out-of-state bank holding company, as defined in 12 U.S.C. 1842(d) as it existed on August 26, 1983, ~~and~~ which on March 12, 1963, owned at least two banks in this state.".

2. On page 5, line 4, strike "section" and insert "sections 8-901, 8-902, 8-902.05, and"; and in line 5 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

MOTION - Adjournment

Mrs. Robak moved to adjourn until 9:00 a.m., Friday, February 23, 1990. The motion lost with 12 ayes, 18 nays, 8 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1009. Considered.

The Chair declared the call raised.

Messrs. Coordsen and Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 1009.

Laid over.

VISITORS

Visitors to the Chamber were 30 members and leader of Christie Heights Senior Center from Omaha; 20 eighth grade students, teacher, and sponsors from Platte Center; Terry Volkman from Beatrice; 22 seniors and sponsor from Exeter; Joan Janzen from Hastings; 35 students and sponsor from Northeast Community College, Norfolk; Student Advisory Committee from Omaha; and 20 members of Financial Women International Mid Plains Chapter.

ADJOURNMENT

At 12:13 p.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Friday, February 23, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 23, 1990

LEGISLATIVE JOURNAL

THIRTY-THIRD DAY - FEBRUARY 23, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 23, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Duane Doremus, Faith Lutheran Church, Hebron, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Lamb, and Ms. Schimek who were excused; and Messrs. Chambers, Haberman, Hall, R. Johnson, Korshoj, Lindsay, McFarland, Moore, and Mrs. Beck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 853. Placed on Select File as amended.
E & R amendment to LB 853:

AM7168

1. On page 3, strike beginning with “this” in line 19 through “or” in line 20.
2. On page 4, line 3, strike the first comma and show as stricken.
3. On page 5, line 10, strike “, in preparing”, show the old matter as stricken, and insert “shall place on”; and in line 11 strike “, shall place thereon” and show the old matter as stricken.
4. On page 9, line 9, strike “was”, show as stricken, and insert “were”.

LEGISLATIVE BILL 1086. Placed on Select File as amended.
E & R amendment to LB 1086:
AM7161

1. On page 2, line 11, strike “from” and show as stricken.

LEGISLATIVE BILL 1216. Placed on Select File.

LEGISLATIVE BILL 1167. Placed on Select File as amended.
E & R amendment to LB 1167:
AM7162

1. On page 2, line 2, after “Island” insert “, Nebraska,”; in line 9 strike the first comma and insert “of”; and in line 24 after “Milford” insert “, Nebraska,”.

LEGISLATIVE BILL 903. Placed on Select File as amended.
E & R amendment to LB 903:
AM7165

1. On page 3, strike beginning with the first “such” in line 8 through “years” in line 11, show as stricken, and insert “the requirements of this subsection are not met”.

LEGISLATIVE BILL 844. Placed on Select File as amended.
E & R amendment to LB 844:
AM7163

1. On page 2, line 8, strike the new matter; and in line 15 strike the first comma and show as stricken and strike the second comma.

LEGISLATIVE BILL 919. Placed on Select File as amended.

E & R amendment to LB 919:
AM7164

1. On page 2, line 16, after "period" insert an underscored comma.

LEGISLATIVE BILL 1183. Placed on Select File as amended.
E & R amendment to LB 1183:
AM7166

1. On page 2, line 7, strike ", when", show as stricken, and insert "which" and strike the new matter; and in line 8 strike the comma and show as stricken.

LEGISLATIVE BILL 960. Placed on Select File as amended.
E & R amendment to LB 960:
AM7167

1. On page 5, line 22, strike "and" and insert a comma; and in line 24 strike the first "and" and insert ", and shall".
2. On page 7, lines 14 and 16, strike "plan" and insert "project"; and in line 16 strike "restructuring".

LEGISLATIVE BILL 960A. Placed on Select File.
LEGISLATIVE BILL 855. Placed on Select File.
LEGISLATIVE BILL 855A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 90011

DATED: February 21, 1990

SUBJECT: Language of LB 1022

REQUESTED BY: Senator Don Wesely, Chairperson, Health and Human Services Committee Nebraska State Legislature

WRITTEN BY: Robert M. Spire
Attorney General

Royce N. Harper
Senior Assistant Attorney General

You have requested an opinion as to whether the language of LB 1022 might be overbroad and, therefore, confer an unconstitutional delegation of legislative authority.

The language in section 1, "{n}otwithstanding any other provision of law the Director of Social Services shall have authority through rule or regulation to establish payment rates," may arguably be an unconstitutional delegation of legislative authority to an administrative agency.

Detailed Analysis and Response to Senator Wesely's Question

Article II, section 1, and article III, section 1 of the Nebraska Constitution respectively provide for the separation of powers, and define legislative authority. Neb.Const., Art. II, § 1 & Art. III, § 1. However, a "grant of administrative authority is not an unconstitutional delegation of legislative authority." Blackledge v. Richards, 194 Neb. 188, 195, 231 N.W.2d 319, 324 (1975).

Furthermore, "the legislature does have power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation and enforcement of a law within designated limitation." Mann v. Wayne County Broad of Equalization, 186 Neb. 752, 759, 186 N.W.2d 729, 734 (1971). Also, a grant of power to an administrative agency must be "administered in accordance in accordance with standards prescribed in the legislative act." Terry Carpenter, Inc. v. Nebraska Liquor Control Comm'n., 175 Neb 26, 36-39, 120 N.W.2d 374, 380 (1963).

The language of LB 1022 granting an administrative agency authority "to establish payment rates," absent guidelines, restriction or limitations, and without a statement of express legislative purpose may be determined to be an unconstitutional delegation of legislative authority.

Two statutes, that appear to meet the court's requirements read:

> . . . The department may contract with other social agencies for the purchase of social services at rates not to exceed those prevailing in the state or the cost at which the department could provide those services.

Neb.Rev.Stat. § 68-1206 (Reissue 1986).

> The Department of Social Services shall establish uniform standards of financial eligibility for the treatment services, . . . including a uniform formula for the payment of services . . . and such formula for payment shall provide for reimbursement at rates

> similar to those set by other federal and state programs, and private entitlements.

Neb.Rev.Stat. § 68-1405 (Reissue 1986).

The Health and Human Services Committee may wish to amend LB 1022 to include language that will cause the legislature to more closely match the court's requirement for constitutionality.

15-02-4

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Royce N. Harper
Senior Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 90012

DATE:	February 22, 1990
SUBJECT:	Publication of Judicial Nominating Commission Votes
REQUESTED BY:	Senator Rex Haberman Nebraska State Legislature
WRITTEN BY:	Robert M. Spire, Attorney General Linda L. Willard, Assistant Attorney General

You have inquired regarding the constitutionality of legislation concerning the publication of judicial nominating commission votes (LB 878). Specifically, you ask if this is a violation of Article V, Section 21, Subsection (5), of the Constitution of the State of Nebraska which states:

> Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his name submitted to the Governor.

It is our determination that legislation concerning the publication of judicial nominating commission votes would not be contrary to the Constitution. The State Constitution is not a grant but rather a restraint on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution. Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981). See also, State ex rel. Creighton University v. Smith, 217 Neb. 682, 353 N.W.2d 267 (1984).

Since the Constitution does not prohibit the publication of the nominating commission votes, the statute requiring their publication would not be unconstitutional.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-02-14.2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 90013

DATED: February 16, 1990

SUBJECT: Effect of Federal Fair Housing Amendments Act of 1988 on Neb.Rev.Stat. §§ 18-1744 through 18-1747 (Reissue 1987 and 1989 Supp.).

REQUESTED BY: Senator Don Wesely, Chairperson, Health and Human Services Committee Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Royce N. Harper, Senior Assistant Attorney General

You have requested an opinion as to whether Neb.Rev.Stat. §§ 18-1744 through 18-1747 (Reissue 1987 and 1989 Supp.) defining and regulating the establishment and location of group homes for persons with mental or physical disabilities are valid under the federal Fair Housing Amendments Act of 1988 that became effective on March 21, 1989.

For the reasons explained below, Neb.Rev.Stat. §§ 18-1744 through 18-1747 contain provisions that appear to require or permit discriminatory housing practices as to persons with physical or mental impairment, and therefore, to that extent, the statutes would be invalid under the Fair Housing Amendment Act of 1988.

Detailed Analysis and Response to Senator Wesely's Questions

The federal Fair Housing Amendments Act of 1988, effective as law on March 12, 1989, amended Title VIII of the Civil Rights Act of 1968 to include persons with a handicap as a class protected from discriminatory housing practices under the Fair Housing Act. Fair Housing Amendments Act of 1988, Pub. L. No. 100-430, 102 Stat. 1619 (1988), to be codified at 42 U.S.C. §§ 3601 through 3631 {hereinafter Act}.

The act defines "handicap" with respect to a person as:

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities;
(2) a record of having such an impairment; or
(3) being regarded as having such an impairment, but such terms does not include current, illegal use of or addiction to a controlled substance as defined in section 802 of Title 21.

42 U.S.C. § 3602(h)(1)(2)(3).

The 1988 amendments make it unlawful:

> {t}o discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of --
> (A) that buyer or renter;
> (B) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
> (C) any person associated with that person.

42 U.S.C. §3604(f)(1)(A)(B)(C).

Further. it is unlawful:

> {t}o discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with such dwelling, because of a handicap of --
> (A) that person; or
> (B) a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
> (C) to any person associated with that buyer or renter.

42 U.S.C. § 3604(f)(2)(A)(B)(C).

Also the Act states that discrimination includes "a refusal to make reasonable accommodations in rules, policies, practices or sources, where such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. . . .

42 U.S.C. § 3604(f)(3)(B).

Section 3615 provides for the effect of the Act on state laws.

> Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivisions of a State, or of any other jurisdictions in which this subchapter shall be effective, that grants, guarantees, or protects the same rights as are granted by this subchapter; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall be to that extent be invalid.

42 U.S.C. § 3615 (Emphasis added).

Neb.Rev.Stat. §§ 18-1744 through 18-1747 were originally enacted by the Nebraska State Legislature with the passage of Laws 1980, LB 525.

The purpose of LB 525 was to provide ". . . that a municipality cannot restrict the location of group homes from anywhere within the legal boundaries of a municipality." Comm. Report on LB 525, Public Health and Welfare Comm. 86th Leg. 2d Sess. (Apr. 17, 1979).

This purpose, standing alone, is consistent with the purpose of the federal Act.

In reference to 42 U.S.C. § 3604 (f)(2), the House Comm. on the Judiciary stated:

> This provision is intended to prohibit special restrictive covenants or other terms or conditions, or denials of service because of an individual's handicap and which have the effect of excluding, for example, congregate living arrangements for persons with handicaps.

H.R.Rep. No. 711, 100th Cong., 2d Sess. 22 at 18 (1988).

The intent of the Nebraska Legislature was to maximize the effectiveness of group services for persons with certain physical or mental disabilities, i.e., cerebral palsy, autism, or mental retardation, Neb.Rev.Stat. § 18-1744 (Reissue 1987), by allowing locations of group homes in all municipal zone districts, and to discourage "local zoning codes {that} have restricted group living homes to certain very limited areas resulting in a high density of group living homes, generally in highly populated zones." Introducer's Statement of Purpose, LB 525, 86th Leg. 2d Sess. (Feb. 22, 1979). In 1989, the legislature enacted LB 366, amending sections 18-744 by striking reference to specific disabilities and referring instead to "mental or physical disabilities." (Neb.Rev.Stat. § 18-1744 (1989 Supp.). The purpose of the amendment was to add group homes for the mentally ill to the statutes covering zoning and location of group homes for persons with cerebral palsy, autism and mental retardation. Comm. Statement on LB 366, Health and Human Services Comm. 91st Leg. 1st Sess. (Jan. 25, 1989).

The plain language of this amendment, "mental or physical disabilities" is substantially similar to the federal Act that uses "physical or mental impairment" in its definition of handicap. However, the legislative history of sections 18-1744 through 18-1747 indicate that the Nebraska legislature did not envision the broad remedial purpose for all persons with a handicap that Congress intended. Statutory interpretation of the Nebraska statutes, looking to the legislative history of the statutes, could conceivably exclude persons with physical or mental disabilities not specifically mentioned by the Legislature, and not specifically included in the statute's definition. Such interpretation would clearly be judged to violate the federal mandate. The only "impairment" explicitly excluded from the federal Act's definition of "handicap" is "current illegal use of or addiction to a controlled substance as defined in section 802 of Title 21." 42 U.S.C. § 3602(3) (Emphasis added).

If section 18-1745 went no further than to say "{a} group home . . . may be established and operated in any residential zone within the exercised zoning jurisdiction of any municipality...," Neb.Rev.Stat. § 18-1745 (Reissue 1987), this statute would not only not offend the federal Act, but would in fact promote the federal Act's purpose to make it unlawful {t}o discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap. . . ." 42 U.S.C. § 3604(f)(1).

However, other provisions of sections 18-1744 through 18-1747 appear to clearly offend the federal Act.

Although the new provisions of 42 U.S.C. § 3604(f)(1)(2) do not specifically include exclusionary zoning practices, case law interpreting the Fair Housing Act of 1968 and the legislative history of the Fair Housing Amendments Act are clear that Congress intended the statute to apply to zoning and land-use decisions. The House Report reads:

> The new subsections would also apply to state or local land use and health and safety laws, regulations, practices or decisions which discriminate against individuals with handicaps. While state and local governments have authority to protect safety and health, and to regulate use of land, the authority has sometimes been used to restrict the ability of individuals with handicaps to live in communities. This has been accomplished by such means as the enactment or imposition of health, safety or land use requirements on congregate living arrangements among nonrelated persons with disabilities. Since these requirements are not imposed on families and groups of similar size of other unrelated people, these requirements have the effect of discriminating against persons with disabilities.

> The committee intends that the prohibition against discrimination against those with handicaps apply to zoning decisions and practices. The act is intended to prohibit the application of special requirements through land use regulations, restrictive covenants and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community. Under H.R. 1158, land use and zoning cases are to be litigated in court by the Department of Justice. They would not go through the administrative process.

H.R. Rep. No. 711, 100th Cong., 2d Sess. 22 at 24.

Regulations promulgated by the Department of Housing and Urban Development (hereinafter HUD) to implement the Act state:

> It shall be unlawful, because of . . . handicap . . . to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or development.

24 C.F.R. § 100.70(a).

Section 18-1744 defines group homes for purposes of the statute as a ". . . facility licensed by the State of Nebraska in which at least four but not more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside . . . ." Neb.Rev.Stat. § 18-1744 (Reissue 1987). Such limitations on the number of unrelated persons who can reside in a group home, permitted in all municipal zones, appear to be a clear violation of the federal Act. Local governments may adopt legitimate restrictions for health and safety reasons on the number of persons within dwelling units. 24 C.F.R. § 100.10(3). However, such restrictions are permitted only if the restriction is applied equally to all persons similarly situated. If the restiction applies only to persons with disabilities, the statutory provision would violate the federal requirement to afford persons with handicaps ". . . equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3).

Furthermore, this restrictive language applied only to group homes for disabled persons would appear to violate 42 U.S.C. § 3604(f)(2) by defining ". . . terms, conditions, or privileges of sale or rental of a dwelling . . . in connection with such dwelling, because of a handicap. . . ." 42 U.S.C. § 3604(f)(2). This position is reinforced by reference to the House Report, where the House Committee on the Judiciary stated:

> This provision is intended to prohibit covenants or other terms or conditions, or denials of service because of an individual's

> handicap and which have the effect of excluding, for example, congregate living arrangements for persons with handicaps.

H.R. Rep. No. 711, 100th Cong., 2d Sess. 22 at 23.

Furthermore the provisions of sections 18-1746 and 18-1747 appear to clearly violate 42 U.S.C. § 3604(f)(1) & (2), and 24 C.F.R. 100.70(a).

Section 18-1746 prohibits state licensing of a new group home unless its location exceeds minimal distance requirements from other group homes. Section 18-1747 has limits based on population and the number of group homes within municipalities. Both provisions appear to clearly violate 42 U.S.C. § 3604(f)(1) & (2).

Such restrictions make unavailable to a person with a handicap housing that person might choose. These restrictions, absent applicability to dwellings of unrelated persons without disabilities, appear facially invalid. Absent a legitimate governmental interest and a rational relationship between these statutes and that governmental interest, the Nebraska statutes would likely be found to be unconstitutional. City of Clebourne v. Clebourne Living Center, 473 U.S. 432, 448 (1985). Furthermore, permitting conditional or special use permits or variances to waive the resolution of the statutes does not cure the violation. In fact, such requirement is discriminatory itself unless the same distance and density requirements apply to all dwellings of unrelated persons, and unless permits are required for these dwellings to deviate from the requirements.

Discriminatory rules restricting housing choices rules applied to persons with handicap solely because of their handicap clearly violate the federal Act and the federal regulations. 24 C.F.R. 100.70(a) & (d)(2).

The legislature's intent for Neb.Rev.Stat. §§ 18-1744 through 18-1747 to maximize the rehabilitative effect of group homes and to provide living experiences that approximate family and community environments so that residents can move on to more independent living situations, and to discourage the concentration of density in a few neighborhoods is a legitimate and important government goal. The intent was to provide greater rather than more limited opportunities for normal living arrangements. However, the restrictive provisions of the statute permit or require discriminatory effect as to persons with handicaps and, therefore, violate the federal Fair Housing Amendments Act of 1988.

We have reviewed materials provided by your office, including Attorney General Opinions from Kansas, Maryland and Virginia, and the Mental Health Law Project Report. We are in general agreement with the conclusions therein as to the invalidity of state statutes with provisions substantially similar to Neb.Rev.Stat. § 1744 through 1747 (Reissue 1987 and 1989 Supp.).

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Royce N. Harper
Senior Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 90014

DATE: February 21, 1990

SUBJECT: Constitutionality of legislation dealing with confirmation procedures for gubernatorial appointments.

REQUESTED BY: Senator William E. Barrett
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

In your opinion request to this office, you indicated that you are having a bill prepared which deals with legislative approval of gubernatorial appointments made while the Legislature is in session. Your bill would contain the following main provisions:

1. A gubernatorial appointee subject to legislative confirmation whose name was submitted to the Legislature during either a regular or special session would not begin serving until the Legislature approved his or her appointment.
2. If, by the end of the session during which the appointment was made, the Legislature had failed to approve the appointment by a majority vote, the appointee would not be approved and could not serve. In essence, failure to act on an appointment would constitute disapproval.
3. The Governor could not again appoint a person rejected during the session to the same office in the interim following that session.

You have asked if such a bill would be constitutional under pertinent provisions of our Nebraska Constitution. We believe that it would be, and our analysis is discussed below.

There are two provisions in our Nebraska Constitution which deal with legislative approval of gubernatorial appointments. Article IV Section 10 provides, in pertinent part:

> The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature.

The pertinent provisions of Article IV Section 12 of the Nebraska Constitution also provide:

> If any nonelective state office, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment. If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the Legislature. If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment.

As noted in our recent Opinion No. 90010, Article IV Section 10 establishes the general appointment power of the Governor, and would presumably apply to situations where an appointment is not made as a result of a vacancy in office, eg., at the end of a fixed term. On the other hand, Article IV Section 12 applies to appointments made by the Governor when there is a vacancy, eg., incumbent in a particular office resigns. To determine the constitutionality of your proposed legislation, we must examine each of its provisions in light of Article IV Section 10 and Article IV Section 12.

First of all, your bill would provide that appointees whose names were submitted to the Legislature while it was in session could not serve until their appointment was confirmed. Neither Article IV Section 10 nor Article IV Section 12 of the Nebraska Constitution specifically speaks to the issue of when an appointee assumes office when his appointment must be confirmed by the Legislature and that appointment is made during a legislative session. However, where an appointment is made as a result of a nomination by one authority and confirmation by another, the appointment is not final and complete until the actions of all bodies involved have been taken. State ex rel. Johnson v. Hagemeister, 161 Neb. 475, 73 N.W.2d 675 (1955); 67

C.J.S. Officers §42; 63A Am.Jur.2d Public Officers and Employees, §117. This rule would seem to support the notion that under existing law, an appointee submitted for confirmation during a session could not serve until confirmed. Moreover, the Nebraska Constitution is not a grant of power, but a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution. Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981). Since the constitutional provisions at issue are silent on the subject of when an appointee during a session assumes the office except to provide that the appointment must be approved, it seems to us that the Legislature could legislate on this issue in the manner you have proposed.

We would note that Article IV Section 10 of the Nebraska Constitution provides that gubernatorial appointments shall be made "with the approval" of the Legislature, while Article IV Section 12 provides that vacancy appointments shall be made "subject to" approval by the Legislature. On this basis, it would be possible to argue that vacancy appointees whose appointments occur during a session could take office pending their confirmation. However, it is clear under the subsequent portion of Article IV Section 12 that vacancy appointees who are appointed while the Legislature is not in session do take office pending legislative confirmation. 1973-1974 Report of the Attorney General, No. 56 at 75. It seems to us that there would be little purpose in specifically differentiating between session and recess appointments if both groups of appointees could take office pending legislative approval. Since the obvious intent of Article IV Section 12 was to allow recess vacancy appointees to take office pending confirmation, the separate provision for session appointees would necessarily indicate a contrary intent. On this basis, we believe that the initial provision of your proposed bill would be constitutional.

Your proposed legislation would next provide that a gubernatorial appointment made during a particular session need be approved during that session. In other words, failure to approve a gubernatorial appointment made during a session would constitute a disapproval of that appointment. We have previously indicated that, under the language of Article IV Section 12, recess vacancy appointments must be approved or disapproved during the next legislative session, or the appointees to those offices serve the remainder of their terms. 1973-1974 Report of the Attorney General, No. 56 at 75. However, the provisions of Article IV Section 10 and Article IV Section 12 dealing with appointments made while the Legislature is in session do not contain the same language as the portion of Article IV Section 12 dealing with recess appointments. In fact, those sections again are silent as to when the Legislature must voice its approval of a gubernatorial appointment. Since, as noted above, the Legislature may act in the absence of a prohibition in the constitution, we believe your proposed legislation requiring approval in a given session would be constitutional.

Finally, your proposed statute would provide that the Governor could not again appoint a person rejected during a given session to the same office during the interim following that session. The last sentence of Article IV Section 12 of the Nebraska Constitution provides, "No person after being rejected by the Legislature shall be again nominated for the same office at the same session, unless at request of the Legislature, or be appointed to the same office during the recess or adjournment of the Legislature." We believe that your final proposal is in conformance with that constitutional language.

We would note that your proposed legislation would apply to appointments made during special or regular sessions of the Legislature, and this raises the issue of whether the Legislature can consider gubernatorial appointments made during a special session. Our Supreme Court has previously indicated that legislative approval of a gubernatorial appointment is an executive rather than a legislative function. State ex rel. Johnson v. Hagemeister, supra. Therefore, such a duty would presumably not be subject to restrictions involving the scope of the call for the special session, and would be appropriate for a special as well as a general session. We have previously indicated that this is the case. 1945-1946 Report of the Attorney General, opinion dated August 28, 1946 at 408. This appears to be the general rule. 67 C.J.S. Officers §42; 63A Am.Jur.2d Public Officers and Employees, §119. Consequently, we believe that the Legislature could consider gubernatorial appointments during either a special or a general session of that body.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 23, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Batenhorst, Gary R. - Omaha	Omaha Coalition for the Homeless
Conradt, Mary - Lincoln	Nebraska PTA
Croft, Colin - Lincoln	Associated Students of the University of Nebraska
Dickinson, Babette - Lincoln	Junior Leagues of Nebraska (Withdrawn 89/05/25)
Philbin, Robert J. - Omaha	WATS Marketing Group
Radcliffe, Walter/Tews & Radcliffe	
Radcliffe, Walter H. - Lincoln	FIRST CHICAGO, The First Nat'l Bank of Chicago (Withdrawn 90/02/21)
Remmers, R. Wiley - Lincoln	FIRST CHICAGO, The First Nat'l Bank of Chicago (Withdrawn 90/02/21)
Scarpello, Sam H. - Omaha	Omaha Building Trades Council (Withdrawn 89/12/31)

MOTION - Approve Appointments

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 874: Kirk Jamison - Nebraska Investment Council.

Voting in the affirmative, 27:

Abboud
Ashford
Barrett
Beyer
Byars
Conway
Crosby
Elmer
Goodrich
Hartnett
Johnson, L.
Kristensen
Labedz
Landis
Langford
Morrissey
Nelson
Peterson
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 9:

Baack
Chizek
Dierks
Hannibal
Hefner
Lynch
Pirsch
Robak
Schmit

Excused and not voting, 13:

Beck
Bernard-Stevens
Chambers
Coordsen
Haberman
Hall
Johnson, R.
Korshoj
Lamb
Lindsay
McFarland
Moore
Schimek

The appointment was confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 874: Ann Spence - Nebraska Investment Council.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Voting in the affirmative, 25:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Byars
Chizek
Conway
Crosby
Elmer
Goodrich
Hannibal
Johnson, L.
Kristensen
Labedz
Langford
Peterson
Pirsch
Rogers
Schellpeper
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 4:

Landis
Lynch
Morrissey
Wesely

Present and not voting, 8:

Dierks
Hartnett
Hefner
Nelson
Robak
Schmit
Scofield
Withem

Excused and not voting, 12:

Bernard-Stevens
Chambers
Coordsen
Haberman
Hall
Johnson, R.
Korshoj
Lamb
Lindsay
McFarland
Moore
Schimek

The appointment was confirmed with 25 ayes, 4 nays, 8 present and not voting, and 12 excused and not voting.

Mrs. Smith moved the adoption of the report of the General Affairs Committee for the following Governor appointment found in the Journal on page 900: Jon McCafferty - State Electrical Board.

Voting in the affirmative, 27:

Abboud
Baack
Barrett
Beyer
Byars
Conway
Crosby
Goodrich
Hannibal
Hartnett
Johnson, L.
Kristensen
Landis
Langford
Lynch
Morrissey
Nelson
Peterson
Pirsch
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 10:

Ashford
Beck
Chizek
Dierks
Elmer
Hefner
Labedz
Robak
Rogers
Withem

Excused and not voting, 12:

Bernard-Stevens
Chambers
Coordsen
Haberman
Hall
Johnson, R.
Korshoj
Lamb
Lindsay
McFarland
Moore
Schimek

The appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 900: James Murphy - Public Employees Retirement Board.

Voting in the affirmative, 25:

Abboud
Baack
Barrett
Beyer
Byars
Conway
Crosby
Hannibal
Hartnett
Johnson, L.
Kristensen
Langford
Morrissey
Nelson
Peterson
Pirsch
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 12:

Ashford
Beck
Chizek
Dierks
Elmer
Goodrich
Hefner
Labedz
Landis
Lynch
Robak
Rogers

Excused and not voting, 12:

Bernard-Stevens
Chambers
Coordsen
Haberman
Hall
Johnson, R.
Korshoj
Lamb
Lindsay
McFarland
Moore
Schimek

The appointment was confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment found in the Journal on page 936: Stuart B. Embury, M.D. - Rural Health Manpower Commission.

Voting in the affirmative, 26:

Abboud
Barrett
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Hannibal
Hartnett
Johnson, L.
Kristensen
Labedz
Lynch
Moore
Nelson
Pirsch
Rogers
Schellpeper
Schmit
Scofield
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 13:

Ashford
Baack
Beck
Elmer
Goodrich
Hefner
Landis
Langford
Morrissey
Peterson
Robak
Smith
Weihing

Excused and not voting, 10:

Bernard-Stevens
Coordsen
Haberman
Hall
Johnson, R.
Korshoj
Lamb
Lindsay
McFarland
Schimek

The appointment was confirmed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment found in the Journal on page 936: Alice Bartels - Foster Care Review Board.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 7 nays, and 26 not voting.

Messrs. Kristensen and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Byars moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Byars requested a roll call vote on the approval of the report.

Voting in the affirmative, 18:

Barrett
Beck
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Hefner
Johnson, L.
Kristensen
Langford
Peterson
Pirsch
Rogers
Warner
Wehrbein
Weihing

Voting in the negative, 3:

Chambers
Morrissey
Wesely

Present and not voting, 20:

Abboud
Ashford
Baack
Chizek
Conway
Dierks
Hall
Hannibal
Hartnett
Korshoj
Labedz
Landis
Lynch
Moore
Nelson
Robak
Schellpeper
Scofield
Smith
Withem

Excused and not voting, 8:

Bernard-Stevens
Haberman
Johnson, R.
Lamb
Lindsay
McFarland
Schimek
Schmit

The appointment was not confirmed with 18 ayes, 3 nays, 20 present and not voting, and 8 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 936: Board of Health - Bruce L. Gilmore, Margaret A. Allington, Carl I. Maltas, Kathryn Weil Simon, Timothy O. Wahl, M.D.; Foster Care Review Board - Betty Matz.

Voting in the affirmative, 32:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Langford
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 9:

Chambers
Hall
Hannibal
Labedz
Landis
Lynch
Moore
Morrissey
Nelson

Excused and not voting, 8:

Bernard-Stevens
Haberman
Johnson, R.
Lamb
Lindsay
McFarland
Schimek
Schmit

These appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 931. Placed on General File as amended.
Standing Committee amendment to LB 931:
AM2642
1. Insert the following new sections:

"Sec. 2. That section 16-305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-305. The mayor and members of the council of a ~~first-class~~ city of the first class shall be residents and ~~qualified electors~~ registered voters of the city~~. Except as provided in section 70-624.04, they~~ and shall ~~not~~ be permitted to hold any other elective ~~public~~ office as provided in section 1 of this act.

All officers and employees of the city shall receive such compensation as the mayor and council may fix at the time of their appointment or employment, subject to the limitations set forth in this section. The local governing body of the city may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time. The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined.

Sec. 3. That section 17-108.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-108.02. The mayor and members of the council of ~~second-class~~ cities of the second class shall be residents and ~~qualified electors~~ registered voters of the city~~. Except as provided in section 70-624.04, they~~ and shall ~~not~~ be permitted to hold ~~any~~ other elective ~~public~~ office as provided in section 1 of this act.

All officers and employees of the city shall receive such compensation as the mayor and council may fix at the time of their appointment or employment, subject to the limitations set forth in this section. The local governing body of the city may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time. The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

Sec. 4. That section 19-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-613. Members of the council shall be residents and ~~qualified electors~~ registered voters of the city and shall hold no other employment with the city. ~~Except as provided in section 70-624.04, they~~ They shall ~~not~~ be permitted to hold ~~any~~ other elective ~~public~~ office ~~or any other office or employment of the city~~ as provided in section 1 of this act. Any council member who ~~shall cease~~ ceases to possess any of the qualifications ~~herein~~ required~~,~~ by this section or who ~~shall have~~ has been convicted of a crime while in office~~,~~ shall forthwith forfeit such office. The council shall be the judge of the election and qualifications of its members, subject to review by the courts.

Sec. 7. That section 70-624.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-624.04. Officers and employees of public power districts, public power and irrigation districts, and public utility companies shall be permitted to ~~serve as officers or employees of cities of the first class, cities of the second class, villages, and school districts with which the public power district, public power and irrigation district, or public utility company has one or more contracts~~ hold other elective office as provided by section 1 of this act. No contracts of any such public power district, public power and irrigation district, or public utility company shall be void or voidable by reason of such service by its officers or employees.".

2. On page 2, strike beginning with "section" in line 1 through line 7 and insert "subsection (2) of this section, no person shall be precluded from being elected or appointed to or holding an elective office for the reason that he or she has been elected or appointed to or holds another elective office.

(2) No person serving as a member of the Legislature or in an elective office described in Article IV, section 1, of the Constitution of Nebraska shall simultaneously serve in any other elective office."; in line 9 strike "(1) or"; strike beginning with "created" in line 13 through "Legislature" in line 14 and strike beginning with "primary" in line 14 through "ballot" in line 17 and insert "election, including an election held in conjunction with the annual meeting of a public body created by an act of the Legislature".

3. On page 4, line 8, strike "being elected to", show as stricken, and insert "assuming" and after "in" insert "subsections (2) and (3) of"; in line 13, after "sections" insert "16-305, 17-108.02, 19-613," and strike "and" and insert a comma; and in line 14 after the first comma insert "and 70-624.04,".

4. Renumber the remaining sections accordingly.

(Signed) Dennis Baack, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LR 251CA	Friday, March 2, 1990	1:30 p.m.
LB 1243	Friday, March 2, 1990	1:30 p.m.
LB 1246	Friday, March 2, 2990	1:30 p.m.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 164 in the Journal. No objections. So ordered.

AM2645

1. Insert the following new sections:

"Sec. 2. There is hereby created the Joslyn Castle Trust Fund to be administered by the Nebraska State Historical Society. The fund shall consist of such sums as are contributed as gifts, grants, or bequests. The fund shall be used only for the operation, administration, maintenance, restoration, and renovation of Joslyn Castle. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. There is hereby created the Joslyn Castle Operations Cash Fund to be administered by the Nebraska State Historical Society. The fund shall be used for administration, operation, and maintenance of Joslyn Castle. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 4. It is the intent of the Legislature that no General Funds shall be expended for the renovation, restoration, or tenant improvements described in the Joslyn Castle Reuse Study.".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 220A. Introduced by Pirsch, 10th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 220, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 42A. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 42, Ninety-first Legislature, Second Session, 1990.

RESOLUTION

LEGISLATIVE RESOLUTION 259. Read. Considered.

LR 259 was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 164A. Title read. Considered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 313A. Title read. Considered.

Mr. Coordsen offered the following amendment:
AM2655

1. Insert the following new section:

“Sec. 2. There is hereby appropriated (1) $59,093 from the General Fund for FY1990-91 and (2) $54,902 from the General Fund for FY1991-92, to the Nebraska Workers’ Compensation Court, for Program 530, to aid in carrying out the provisions of Legislative Bill 313, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $36,028 for FY1990-91 or $36,907 for FY1991-92.”.

2. On page 2, line 2, strike “$52,000” and insert “$10,400”; and in line 3 strike “$52,000” and insert “$20,800”.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 980A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1113 in the Journal. No objections. So ordered.

AM2649

1. On page 21, line 17, strike "family characteristics" and insert "familial status"; and strike beginning with "to" in line 20 through "programs" in line 22.

2. On page 59, strike beginning with "investments" in line 13 through "officer" in line 15 and insert "investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another".

3. On page 61, line 10, reinstate the stricken "heretofore".

Mr. Hall asked unanimous consent to print the following amendment to LB 313 in the Journal. No objections. So ordered.

AM2653

1. Insert the following new sections:

"Sec. 4. That section 48-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1202. ~~As used in sections 48-1201 to 48-1209~~ For purposes of the Wage and Hour Act, unless the context otherwise requires:

(1) Employ ~~includes~~ shall include to permit to work;

(2) Employer ~~includes~~ shall include any individual, partnership, association, corporation, business trust, legal representative, or ~~any~~ organized group of persons employing four or more employees at any one time, except for seasonal employment of not more

than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee~~,~~ but shall not include the United States, the state, or any political subdivision thereof;

(3) Employee ~~includes~~ shall include any individual employed by any employer~~,~~ but shall not include:

(a) Any individual employed in agriculture;

(b) Any individual employed as a babysitter in or about a private home;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity, or superintendents or supervisors;

(d) Any individual employed by the United States~~,~~ or by the state or any political subdivision thereof;

(e) Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization ~~where~~ when the employer-employee relationship does not~~,~~ in fact~~,~~ exist or ~~where~~ when the services rendered to such organization are on a voluntary basis;

(f) Apprentices and learners otherwise provided by law;

(g) Veterans in training under supervision of the ~~Veterans' Administration~~ United States Department of Veterans Affairs;

(h) A child in the employment of his or her parent or a parent in the employment of his or her child; or

(i) Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;

(4) Occupational classification shall mean a classification established by the Dictionary of Occupational Titles, prepared by the United States Department of Labor; and

(5) Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.

Sec. 5. That section 48-1203, Revised Statutes Supplement, 1989, be amended to read as follows:

48-1203. (1) Except as otherwise provided in this section and section 6 of this act, beginning July 1, 1990, through March 31, 1991, every ~~Every~~ employer shall pay to each of his or her employees wages at the minimum rate of three dollars and ~~thirty-five~~ eighty cents per hour, and beginning April 1, 1991, such minimum rate shall be four dollars and twenty-five cents per hour. ~~except as otherwise provided in this section.~~

(2) ~~For~~ Beginning July 1, 1990, through March 31, 1991, for persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two dollars and ~~one cent~~ nine cents per hour, plus all gratuities given to them for services rendered, and beginning April 1, 1991, such minimum rate shall be two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

(3) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable.

Sec. 6. Beginning July 1, 1990, through March 31, 1991, an employer may pay a new employee who is younger than twenty years of age and is not a seasonal or migrant worker a training wage at a rate of three dollars and thirty-five cents per hour for ninety days from the date the new employee was hired, and beginning April 1, 1991, such training wage rate shall be three dollars and sixty-one cents per hour. An employer may pay such new employee the training wage rate for an additional ninety-day period while the new employee is participating in on-the-job training which requires technical, personal, or other skills which are necessary for his or her employment and is approved by the Commissioner of Labor. No more than one-fourth of the total hours paid by the employer shall be at the training wage rate.

An employer shall not pay the training wage rate if the hours of any other employee are reduced or if any other employee is laid off and the hours or position to be filled by the new employee is substantially similar to the hours or position of such other employee. An employer shall not dismiss or reduce the hours of any employee with the intention of replacing such employee or his or her hours with a new employee receiving the training wage rate.

Sec. 7. That section 48-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1209. Sections 48-1201 to 48-1209 and section 6 of this act shall be known as the Wage and Hour Act.

Sec. 9. That original sections 48-1202 and 48-1209, Reissue Revised Statutes of Nebraska, 1943, and section 48-1203, Revised Statutes Supplement, 1989, are repealed.

Sec. 10. Sections 1 to 3 and 8 of this act shall become operative three calendar months after adjournment of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1222. Placed on General File as amended.
Standing Committee amendment to LB 1222:
AM2624

1. Strike original sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 43-272.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-272.01. (1) A guardian ad litem as

provided for in subsections (2) and (3) of section 43-272 shall be appointed at the commencement of all cases brought under subdivision (3)(a) or (8) of section 43-247 and section 28-707.

(2) In the course of discharging duties as guardian ad litem, the person so appointed shall consider, but not be limited to, the criteria provided in this subsection. The guardian ad litem (a) is appointed to stand in lieu of a parent for a protected juvenile who is the subject of a juvenile court petition and shall be present at all hearings before the court in such matter unless expressly excused by the court and may enter into such stipulations and agreements concerning adjudication and disposition deemed by him or her to be in the juvenile's best interests, (b) is not appointed to prosecute or defend the parents or other custodian of the protected juvenile but shall defend the legal and social interests of such juvenile. Social interests shall be defined generally as the usual and reasonable expectations of society for the appropriate parental custody and protection and quality of life for juveniles without regard to the socioeconomic status of the parents or other custodians of the juvenile, (c) may at any time after the filing of the petition move the court of jurisdiction to provide medical or psychological treatment or evaluation as set out in section 43-258. The guardian ad litem shall have access to all reports resulting from any examination ordered under section 43-258, and such reports shall be used for evaluating the status of the protected juvenile, (d) shall make every reasonable effort to become familiar with the needs of the protected juvenile which may include (i) visitation with the juvenile within two weeks after the appointment and once every six months thereafter and (ii) consultation with caseworkers, physicians, psychologists, foster parents or other custodians, teachers, clergy members, and others directly involved with the juvenile or who may have information or knowledge about the circumstances which brought the juvenile court action or related cases and the development of the juvenile, (e) may present evidence and witnesses and cross-examine witnesses at all evidentiary hearings, (f) shall be responsible for making recommendations to the court regarding the

temporary and permanent placement of the protected juvenile and shall submit a written report to the court at every dispositional hearing, or in the alternative, the court may provide the guardian ad litem with a checklist that shall be completed and presented to the court at every dispositional hearing, (g) shall consider such other information as is warranted by the nature and circumstances of a particular case, and (h) may file a petition in the juvenile court on behalf of the juvenile.

(3) Nothing in this section shall operate to limit the discretion of the juvenile court in protecting the best interests of a juvenile who is the subject of a juvenile court petition.

(4) For purposes of subdivision (2)(d) of this section, the court may order the expense of such consultation, if any, to be paid by the county in which the juvenile court action is brought or the court may, after notice and hearing, assess the cost of such consultation, if any, in whole or in part to the parents of the juvenile. The parents' ability to pay and the amount of the payment shall be determined by the court by appropriate examination.

Sec. 3. That section 43-283, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-283. (1) Strict rules of evidence shall not be applied at any dispositional hearing.

(2) The court shall conduct a dispositional hearing at least once every six months.".

2. On page 4, line 4, after "43-1301" insert ". The records provided to the state board shall not include the name or identity of any person making a report of suspected child abuse or neglect".

3. On page 16, line 5, after the comma insert "the specific reasons for the findings and recommendations, including factors, opinions, and rationale considered in its review,".

4. On page 17, line 3, after "board" insert ", or upon the request of the Department of Social Services, any records pertaining to a case assigned to the department," and after "the" insert "requesting"; and in line 4 after "board" insert "or department".

5. On page 19, line 25, strike "42-917,

42-918" and insert "43-272.01, 43-283".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 664. Indefinitely postponed.
LEGISLATIVE BILL 666. Indefinitely postponed.
LEGISLATIVE BILL 757. Indefinitely postponed.
LEGISLATIVE BILL 948. Indefinitely postponed.
LEGISLATIVE BILL 1068. Indefinitely postponed.
LEGISLATIVE BILL 1089. Indefinitely postponed.
LEGISLATIVE BILL 1111. Indefinitely postponed.
LEGISLATIVE BILL 1112. Indefinitely postponed.
LEGISLATIVE BILL 1132. Indefinitely postponed.
LEGISLATIVE BILL 1162. Indefinitely postponed.
LEGISLATIVE BILL 869. Indefinitely postponed.
LEGISLATIVE BILL 925. Indefinitely postponed.
LEGISLATIVE BILL 949. Indefinitely postponed.
LEGISLATIVE BILL 1233. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 956. E & R amendment, AM7117, found in the Journal on page 619 for the Twentieth Day, was adopted.

Mr. Conway withdrew his pending amendment, FA347, found in the Journal on page 569.

Messrs. Wesely and Schmit withdrew their pending amendment, AM2384, found in the Journal on page 652.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 81. E & R amendment, AM7118, found in the Journal on page 658 for the Twenty-Second Day, was adopted.

Messrs. Withem, Korshoj, and Hartnett renewed their pending amendment, AM2440, found in the Journal on page 695.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem-Korshoj-Hartnett amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1050. Mr. Moore moved to indefinitely postpone.

Mr. Moore withdrew his motion to indefinitely postpone.

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1004. E & R amendment, AM7124, found in the Journal on page 686 for the Twenty-Fourth Day, was adopted.

Mr. Rogers withdrew his pending amendment, AM2398, found in the Journal on page 665.

Messrs. Rogers and Dierks offered the following amendment:
AM2657

1. On page 13, line 23, after "by" insert "or for".
2. On page 14, after line 2 insert "All testing done pursuant to the state pseudorabies control and eradication program shall be performed by or under the direct supervision of an accredited veterinarian, except that this shall not restrict an employee of the state or federal government in the performance of his or her duties under the Pseudorabies Control and Eradication Act or federal law.".

The Rogers-Dierks amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1004A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 863. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1199. E & R amendment, AM7143, found in the Journal on page 765 for the Twenty-Sixth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 922. E & R amendment, AM7144, found in the Journal on page 766 for the Twenty-Sixth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 663A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 896A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 42. E & R amendment, AM7148, found in the Journal on page 860 for the Thirtieth Day, was adopted.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 923A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1989, LB 813, section 23; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 923, Ninety-first Legislature, Second Session, 1990; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 923 in the Journal. No objections. So ordered.

AM2652

1. On page 3, line 6, strike “physically”.

Mr. Wesely asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM2661

(Amendments to Standing Committee amendments, AM0747)

1. On page 1, line 20, after the first period insert “The practice of chiropractic shall not include (a) the treatment of fractures, tumors, and any other condition not amenable to treatment by the removal of

interference with the transmission and expression of nerve energy, (b) the treatment of infectious, contagious, or venereal diseases, and (c) the giving of school physicals.”.

VISITORS

Visitors to the Chamber were 45 Jaycees from across the state; and Leon McCoy from Neligh.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Elmer, the Legislature adjourned until 9:00 a.m., Monday, February 26, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 26, 1990

LEGISLATIVE JOURNAL

THIRTY-FOURTH DAY - FEBRUARY 26, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 26, 1990

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

The roll was called and all members were present except Mmes. Labedz, Pirsch, and Ms. Schimek who were excused; and Messrs. Abboud, Baack, Chizek, Haberman, Hall, Hartnett, R. Johnson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 259.

RESOLUTION

LEGISLATIVE RESOLUTION 257. Read. Considered.

LR 257 was adopted with 27 ayes, 0 nays, and 22 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 708 in the Journal. No objections. So ordered.

FA375

1. Page 2, line 24, strike, “Program”, and insert, “or other federal or state student financial aid programs”.
2. Page 3, line 3, strike, “Program”, and insert, “or other federal or state student financial aid programs”; line 19, after “federal”, insert, “or state”.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1090. Placed on Select File as amended.
E & R amendment to LB 1090:
AM7171

1. On page 1, line 3, after the last comma insert “79-1247.06,”; in line 6 after the second comma insert “79-3315, 79-3322,”; and in line 7 strike “section” and insert “sections 79-4,140.10, 79-4,140.13, and”.

2. On page 2, line 4, strike “a report” and insert “an oath” and after the semicolon insert “to provide for Educational Technology Satellite Centers in rural Nebraska; to provide powers and duties for the centers and the State Department of Education;”; in line 6 after the semicolon insert “to change a provision relating to the first issuance of a teaching certificate as prescribed;”; in line 9 strike “Division of” and insert “Program in”; in lines 13 and 14 strike “eliminate a requirement of” and insert “change provisions relating to the”; and in line 14 after the semicolon insert “to change provisions relating to age requirements for eligibility under the Special Education Act; to change provisions relating to transportation under such act;”.

3. On page 5, line 22, strike “his or her”, show the old matter as stricken, and insert “the”; and in line 23 strike “to him or her” and show the old matter as stricken.

4. On page 7, line 2; page 17, line 7; and page 24, lines 7 and 16, before “district” insert

"school".
5. On page 7, line 10, strike "shall be", show as stricken, and insert "are".
6. On page 16, line 7; and page 20, line 12, strike the new matter and reinstate the stricken matter.
7. On page 19, lines 18 and 20, strike the comma and show as stricken.
8. On page 24, line 7, strike the first comma and show as stricken.
9. On page 48, line 6, after "Education" insert an underscored comma.

LEGISLATIVE BILL 1032. Placed on Select File as amended.
E & R amendment to LB 1032:
AM7169
1. On page 1, line 4, after "reimbursement" insert "for expenses"; in line 5 strike "of expenses"; in line 7 strike "and"; and in line 8 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 1236. Placed on Select File as amended.
E & R amendment to LB 1236:
AM7170
1. On page 1, line 2, strike "section 51-211" and insert "sections 51-211 and 51-212"; in line 5 after the semicolon insert "to prohibit the denial of service as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes;"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 164A. Placed on Select File.
LEGISLATIVE BILL 313A. Placed on Select File.
LEGISLATIVE BILL 980A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE RESOLUTION 241CA. Placed on General File.

LEGISLATIVE BILL 736. Indefinitely postponed.
LEGISLATIVE BILL 1100. Indefinitely postponed.
LEGISLATIVE BILL 1159. Indefinitely postponed.

(Signed) Jacklyn Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 260. Title read. Considered.

Standing Committee amendment, AM0323, found in the Journal on page 724, for the Twenty-Seventh Day, First Session, 1989, was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Conway renewed his pending amendment, AM2218, found in the Journal on page 474.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the pending Conway amendment:
FA376
Strike all language following "sections"; in line 3. Insert: "It shall not be unlawful to sell, buy, possess or use any substance on any controlled substance list or schedule found in Chapter 28."

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Weihing's birthday.

GENERAL FILE

LEGISLATIVE BILL 260. The pending Chambers amendment, FA376, to the pending Conway amendment, AM2218, was renewed.

Mr. Chambers withdrew his pending amendment.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Ashford
Beck
Bernard-Stevens
Byars
Conway
Elmer
Haberman
Hannibal
Hefner
Johnson, R.
Kristensen
Langford
Moore
Nelson
Peterson
Rogers
Warner
Withem

Voting in the negative, 16:

Chambers
Goodrich
Hall
Hartnett
Johnson, L.
Landis
Lindsay
McFarland
Morrissey
Robak
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely

Present and not voting, 9:

Baack
Barrett
Beyer
Coordsen
Crosby
Dierks
Korshoj
Lynch
Schellpeper

Excused and not voting, 6:

Abboud
Chizek
Labedz
Lamb
Pirsch
Schimek

The Conway amendment lost with 18 ayes, 16 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. McFarland and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 27 ayes, 3 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 260A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Peterson asked unanimous consent to print the following amendment to LB 1064A in the Journal. No objections. So ordered.

AM2558

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $57,824 from the General Fund for FY1990-91 and (2) $52,852 from the General Fund for FY1991-92, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 1064, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $37,978 for FY1990-91 or $39,876 for FY1991-92.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1039A. Introduced by Haberman, 44th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1039, Ninety-first Legislature, Second Session, 1990.

MOTION - Reconsider Action on Gubernatorial Appointment

Mr. Hannibal moved to reconsider the vote on the confirmation of Alice Bartels to the Foster Care Review Board, found on page 961 of the Journal.

Laid over.

MESSAGE FROM THE GOVERNOR

February 24, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 602, 856, 857, 858, 874, 875, 891, 893, 906, 907, 957, 964, 966, 984, 997, and 1013 were received in my office on February 22, 1990.

These bills were signed by me on February 24, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

VISITORS

Visitors to the Chamber were Senator Lynch's brother and sister-in-law, Phil and Mary, from Omaha; 15 seniors and teacher from Elmwood High School; and 18 students and instructor from Chadron State College.

RECESS

At 11:58 a.m., on a motion by Mr. Weihing, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Labedz, Pirsch, and Ms. Schimek who were excused; and Messrs. Abboud, Ashford, Chambers, Chizek, Conway, Coordsen, Haberman, Hannibal, R. Johnson, Korshoj, Landis, McFarland, Schmit, Mrs. Robak, and Ms. Scofield who were excused until they arrive.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 81, 956, and 1050.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 81

The following changes, required to be reported for publication in the Journal, have been made:
ER6249

1. In the Withem-Korshoj-Hartnett amendment, AM2440, on page 3, line 13, the new matter has been struck and the stricken matter reinstated.
2. On page 1, the matter beginning with "drainage" in line 1 through line 7 and all amendments thereto have been struck and "elections; to amend sections 23-151, 31-409.03, and 32-308, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to election of county commissioners in certain counties as prescribed; to change provisions relating to election of drainage district directors; to change provisions relating to election of registers of deeds in certain counties as prescribed; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 956

The following changes, required to be reported for publication in the Journal, have been made:
ER6250

1. In the Standing Committee amendments, AM2227, on page 4, line 20, an underscored comma has been inserted after "States".
2. On page 2, line 24, "any" has been inserted after "or".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay and Morrissey asked unanimous consent to print the following amendment to LB 315 in the Journal. No objections. So ordered.

AM2674

(Amendments to Standing Committee amendments, AM0797)

1. Strike amendment 2 and insert the following new amendment:

"2. On page 5, strike lines 2 through 18 and insert:

'3,450.01 and over 142.00

(2) On and after January 1, 1991, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this subsection on the line on which, in Column A of such table, there appear the total wages paid to such individual for insured work, in that quarter, of his or her base period, in which such total wages were highest.

UNEMPLOYMENT BENEFIT TABLE

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$ 400.01 through $ 450.00	$ 25.00
450.01 through 500.00	27.00
500.01 through 550.00	29.00
550.01 through 600.00	31.00
600.01 through 650.00	33.00
650.01 through 700.00	35.00
700.01 through 750.00	37.00
750.01 through 800.00	39.00
800.01 through 850.00	41.00
850.01 through 900.00	43.00
900.01 through 950.00	45.00
950.01 through 1,000.00	47.00
1,000.01 through 1,050.00	49.00
1,050.01 through 1,100.00	51.00
1,100.01 through 1,150.00	53.00
1,150.01 through 1,200.00	55.00
1,200.01 through 1,250.00	57.00
1,250.01 through 1,300.00	59.00
1,300.01 through 1,350.00	61.00
1,350.01 through 1,400.00	63.00
1,400.01 through 1,450.00	65.00
1,450.01 through 1,500.00	67.00
1,500.01 through 1,550.00	69.00
1,550.01 through 1,600.00	71.00
1,600.01 through 1,650.00	73.00
1,650.01 through 1,700.00	75.00

1,700.01 through 1,750.00	77.00
1,750.01 through 1,800.00	79.00
1,800.01 through 1,850.00	81.00
1,850.01 through 1,900.00	83.00
1,900.01 through 1,950.00	85.00
1,950.01 through 2,000.00	87.00
2,000.01 through 2,050.00	89.00
2,050.01 through 2,100.00	91.00
2,100.01 through 2,150.00	93.00
2,150.01 through 2,200.00	95.00
2,200.01 through 2,250.00	97.00
2,250.01 through 2,300.00	99.00
2,300.01 through 2,350.00	101.00
2,350.01 through 2,400.00	103.00
2,400.01 through 2,450.00	105.00
2,450.01 through 2,500.00	107.00
2,500.01 through 2,550.00	109.00
2,550.01 through 2,600.00	111.00
2,600.01 through 2,650.00	113.00
2,650.01 through 2,700.00	115.00
2,700.01 through 2,750.00	117.00
2,750.01 through 2,800.00	119.00
2,800.01 through 2,850.00	121.00
2,850.01 through 2,900.00	123.00
2,900.01 through 2,950.00	125.00
2,950.01 through 3,000.00	127.00
3,000.01 through 3,050.00	129.00
3,050.01 through 3,100.00	131.00
3,100.01 through 3,150.00	133.00
3,150.01 through 3,200.00	135.00
3,200.01 through 3,250.00	137.00
3,250.01 through 3,300.00	139.00
3,300.01 through 3,350.00	141.00
3,350.01 through 3,400.00	143.00
3,400.01 through 3,450.00	145.00
3,450.01 through 3,500.00	147.00
3,500.01 through 3,550.00	149.00
3,550.01 through 3,600.00	151.00
3,600.01 through 3,650.00	153.00
3,650.01 and over	155.00'.”.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 257.

GENERAL FILE

LEGISLATIVE BILL 799. Title read. Considered.

Standing Committee amendment, AM0692, found in the Journal on page 1078 for the Forty-Fourth Day, First Session, 1989, was considered.

Messrs. Lindsay and Hartnett offered the following amendment to the Standing Committee amendment:
AM2682

(Amendments to Standing Committee amendments, AM0692)

1. Insert the following new section:

"Section 1. That section 29-1917, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1917. (1) Except as provided in section 29-1926, at any time after the filing of an indictment or information in a felony or Class W misdemeanor prosecution, the prosecuting attorney or the defendant may request the court to allow the taking of a deposition of any person other than the defendant who may be a witness in the trial of the offense. The court may order the taking of the deposition when it finds the testimony of the witness:

(a) May be material or relevant to the issue to be determined at the trial of the offense; or

(b) May be of assistance to the parties in the preparation of their respective cases.

(2) An order granting the taking of a deposition shall include the time and place for taking such deposition and such other conditions as the court determines to be just.

(3) The proceedings in taking the deposition of a witness pursuant to this section and returning it to the court shall be governed in all respects as the taking of depositions in civil cases.

(4) A deposition taken pursuant to this section may be used at the trial by any party solely for the purpose of contradicting or impeaching the testimony of the deponent as a witness.".

2. On page 1, line 2, strike “section” and insert “sections”; and in line 3 strike “7” and insert “8”.

3. On page 3, line 9, after the first comma insert “line 7, strike ‘1’ and insert ‘2’; in line 9 after ‘sections’ insert ‘29-1917,’; and in ”.

The Lindsay-Hartnett amendment was adopted with 16 ayes, 0 nays, 16 present and not voting, and 17 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Beyer renewed his pending amendment, AM2175, found in the Journal on page 458.

The Beyer amendment was adopted with 25 ayes, 2 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Lindsay offered the following amendment:
FA377

1. On page 13, line 14, after “days”, insert “and shall impose the following penalties:

First conviction - 7 days imprisonment and $200 fine
Second conviction - 30 days imprisonment and $500 fine
Third & subsequent - 3 to 6 months imprisonment and $500 fine”

2. Insert the same new language after days on page 14, line 19

3. On page 20, line 25, after “permit”, insert “and shall release the person from custody and refund the fine”.

Mrs. Langford moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lindsay withdrew his pending amendment.

Mr. Bernard-Stevens offered the following amendment:
FA378

add sections - any agency action concerning a license suspension cannot go into effect until after the final dispensation of any pending court case. If the case is thrown-out or the defendant acquitted then such suspension of license by the DMV shall not apply

Messrs. Morrissey, Korshoj, Coordsen, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens withdrew his pending amendment.

Advanced to E & R for review with 29 ayes, 2 nays, 8 present and not voting, and 10 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Beck asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 571. Title read. Considered.

Standing Committee amendment, AM0795, found in the Journal on page 1135 for the Forty-Fifth Day, First Session, 1989, was considered.

Mr. Hefner renewed his pending amendment, AM2420, found in the Journal on page 861, to the Standing Committee amendment.

The Hefner amendment was adopted with 21 ayes, 0 nays, 16 present and not voting, and 12 excused and not voting.

Mr. Kristensen offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2678.)

The Kristensen amendment was adopted with 20 ayes, 0 nays, 17 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 837. Placed on General File.

(Signed) Dennis Baack, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 562 in the Journal. No objections. So ordered.

FA379
1. Insert the following new section:
"Section 2. Any investment banking firm that has declared bankruptcy or has pleaded guilty to or has been found guilty of a felony involving securities fraud or a subsidiary of such a firm shall not be eligible to conduct any bond financing business with the state or any political subdivision thereof. Any existing business relationship between such a firm or subsidiary and the state or a political subdivision shall terminate upon conviction for such felony and/or payment of subsequent fines or upon the effective date of this act."

VISITORS

Visitors to the Chamber were Sylvia Fowler from Arcadia and Tammy Morrow Julesgard from Scotia; and 26 fourth grade students and teacher from North Bend Elementary.

ADJOURNMENT

At 3:42 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Tuesday, February 27, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 27, 1990

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY - FEBRUARY 27, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 27, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Ms. Schimek who was excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Conway, Haberman, Hall, R. Johnson, Lindsay, Lynch, Moore, Schmit, Withem, Mmes. Beck, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1153A. Introduced by Barrett, 39th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1153, Ninety-first Legislature, Second Session, 1990; and to reduce an appropriation.

RESOLUTION

LEGISLATIVE RESOLUTION 261. Introduced by Barrett, 39th District.

WHEREAS, Dr. D.B. Woody Varner has a long and outstanding record of public service, including service as Chancellor and President of the University of Nebraska and chairperson of the University of Nebraska Foundation, and has received many well-deserved awards; and

WHEREAS, Dr. Varner has distinguished himself by his commitment to his family, to his community, and to his state; and

WHEREAS, the NEBRASKAland Foundation, Inc., recognizes outstanding Nebraskans whose public service and spirit are exemplary of the State of Nebraska; and

WHEREAS, prior recipients of such recognition are President Gerald Ford, Robert Keith Gray, and Dr. Clayton Yeutter; and

WHEREAS, Dr. Varner will receive the Distinguished NEBRASKAlander award on March 10, 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Dr. Varner on his receipt of this prestigious award.
2. That a copy of this resolution be presented to Dr. D.B. Woody Varner.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 594. Title read. Considered.

Standing Committee amendment, AM0957, found in the Journal on page 1263 for the Fiftieth Day, First Session, 1989, was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 656. Title read. Considered.

Standing Committee amendment, AM1677, printed separately from the Journal and referred to on page 2106 for the Seventy-Seventh Day, First Session, 1989, was considered.

Mrs. Nelson renewed her pending amendment, AM2015, printed separately from the Journal and referred to on page 879, to the Standing Committee amendment.

The Nelson amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 233CA. Read. Considered.

Standing Committee amendment, AM2437, found in the Journal on page 699 for the Twenty-Fourth Day, was considered.

Mr. Baack moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Baack requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 22:

Ashford
Baack
Bernard-Stevens
Chizek
Conway
Coordsen
Crosby
Goodrich
Hall
Hartnett
Korshoj
Labedz
Landis
Lynch
Moore
Morrissey
Peterson
Robak
Rogers
Schellpeper
Scofield
Wesely

Voting in the negative, 19:

Barrett
Beck
Byars
Dierks
Elmer
Haberman
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Langford
McFarland
Nelson
Pirsch

Smith Warner Wehrbein Weihing

Present and not voting, 2:

Beyer Hannibal

Excused and not voting, 6:

Abboud Lindsay Schimek Schmit Withem
Chambers

The Standing Committee amendment lost with 22 ayes, 19 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Haberman and Warner offered the following amendment:
AM2698

1. On page 1, lines 3 and 11, strike "section 10" and insert "sections 6 and 10".

2. Strike beginning with page 1, line 13, through page 3, line 17, and all amendments thereto and insert:

"CIII-6 'The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be ~~annual~~ biennial except as otherwise provided by this constitution or as may be otherwise provided by law.'

CIII-10 'Beginning with the year ~~1975~~ 1991, regular sessions of the Legislature shall be held ~~annually,~~ biennially commencing at 10 a.m. on the first Wednesday after the first Monday in January of each odd-numbered year. The duration of regular sessions ~~held~~ shall not exceed ~~ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty~~ one hundred legislative days ~~in even-numbered years~~ unless extended by a vote of four-fifths of all members elected to the Legislature. ~~Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment.~~ The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members~~,~~ and shall choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acting as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time~~,~~ unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.'.".

3. Strike beginning with "authorize" on page 3, line 24, through page 4, line 3, and all amendments thereto and insert "provide for biennial, regular legislative session of not to exceed one hundred days.".

Mr. Wehrbein offered the following amendment to the pending Haberman-Warner amendment:
FA380
strike 100 days
insert 90 days

Messrs. Beyer and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman requested a record vote on the pending Wehrbein amendment.

Voting in the affirmative, 16:

Baack
Beck
Bernard-Stevens
Coordsen
Haberman
Korshoj
Labedz
Lamb
Langford
Lindsay
Nelson
Peterson
Pirsch
Schellpeper
Warner
Wehrbein

Voting in the negative, 18:

Barrett
Byars
Conway
Crosby
Dierks
Elmer
Hall
Hartnett
Johnson, L.
Kristensen
Landis
Moore
Morrissey
Rogers
Schmit
Smith
Weihing
Wesely

Present and not voting, 9:

Chizek
Goodrich
Hannibal
Hefner
Johnson, R.
Lynch
McFarland
Robak
Scofield

Excused and not voting, 6:

Abboud
Ashford
Beyer
Chambers
Schimek
Withem

The Wehrbein amendment lost with 16 ayes, 18 nays, 9 present and not voting, and 6 excused and not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Haberman requested a roll call vote on the Haberman-Warner amendment.

Voting in the affirmative, 11:

Goodrich
Haberman
Korshoj
Labedz
Lamb
Langford
Peterson
Pirsch
Schmit
Warner
Wehrbein

Voting in the negative, 29:

Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Johnson, L.
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Robak
Rogers
Schellpeper
Scofield
Smith
Weihing
Wesely

Present and not voting, 3:

Hannibal
Hartnett
Hefner

Excused and not voting, 6:

Abboud
Ashford
Beyer
McFarland
Schimek
Withem

The Haberman-Warner amendment lost with 11 ayes, 29 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lamb moved to indefinitely postpone LR 233CA.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Coordsen moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Coordsen requested a roll call vote on the Lamb motion to indefinitely postpone.

Voting in the affirmative, 17:

Barrett
Chambers
Crosby
Elmer
Haberman
Hefner
Johnson, L.
Kristensen
Lamb
Landis
Langford
Lynch
Rogers
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 19:

Baack
Beck
Bernard-Stevens
Byars
Conway
Coordsen
Goodrich
Hall
Hartnett
Korshoj
Labedz
Lindsay
Moore
Morrissey
Nelson
Peterson
Schellpeper
Schmit
Scofield

Present and not voting, 5:

Chizek
Dierks
Hannibal
Robak
Withem

Excused and not voting, 8:

Abboud
Ashford
Beyer
Johnson, R.
McFarland
Pirsch
Schimek
Wesely

The Lamb motion to indefinitely postpone lost with 17 ayes, 19 nays, 5 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 945. Indefinitely postponed.
LEGISLATIVE BILL 1057. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Judiciary

LEGISLATIVE BILL 445. Placed on General File.
LEGISLATIVE BILL 854. Placed on General File.
LEGISLATIVE BILL 976. Placed on General File.
LEGISLATIVE BILL 1023. Placed on General File.
LEGISLATIVE BILL 1042. Placed on General File.
LEGISLATIVE BILL 1147. Placed on General File.
LEGISLATIVE BILL 1212. Placed on General File.

LEGISLATIVE BILL 1062. Placed on General File as amended.
Standing Committee amendment to LB 1062:
AM2304

1. Strike original section 10.

2. On page 3, lines 5 and 6 and 20 and 21; and page 12, line 23, strike “, 10, and 11” and insert “and 10”.

3. On page 4, line 1, after “employer” insert “with the advice of a medical review officer, if applicable, unless mandated by applicable federal or state law or regulation”.

4. On page 5. line 20, after "(11)" insert "Medical review officer shall mean a licensed physician responsible for receiving laboratory results generated by an employer's drug or alcohol testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive finding together with the individual's medical history and any other biomedical information;

(12)"; in line 22 strike beginning with "lowest" through "test" and insert "administrative cutoff"; and in line 24 strike "lowest calibrator" and insert "administrative cutoff".

5. On page 6, line 1, strike "(12)" and insert "(13)"; in line 2 strike "shall be" and insert "is"; strike beginning with "lowest" in line 3 through "test" in line 4 and insert "administrative cutoff"; in line 5 after "percent" insert "or the administrative cutoff"; and strike beginning with "In" in line 5 through line 10.

6. On page 8, line 1, after "numerically" insert "or as less than the administrative cutoff"; in line 12 after "specimen" insert "as further described in subsection (2) of this section"; in line 19 strike the semicolon; in line 20 strike the paragraphing and "(b) The" and insert "the"; and in line 23 after "specimen" insert ";

(b) The last urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L;

(c) The person monitoring the collection site observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample such as substituting urine in plain view or the presence of blue dye in the specimen presented; or

(d) The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as a part of a rehabilitation program or on return to service after any required rehabilitation".

7. On page 9, line 18, strike the comma and insert "or"; and strike the new matter in lines 19 through 22.

8. On page 10, strike beginning with "Each" in line 6 through line 16 and insert "The employer shall complete review of test results within ten regular working days of receipt of the laboratory report or the results shall be declared negative unless any portion of the delay results from the unwillingness or inability of the employee to appear for an interview or provide documentation of prescription or other authorized use of medications. If the employee is responsible for such delay, the ten-day period may be extended by a period equal to the period attributable to the delay. This subsection shall not be construed to bar reporting of a positive result if the employee, without a reasonable basis, fails to respond to an opportunity to provide supplementary information.".

9. On page 11, lines 5 and 20, after "alcohol" insert "unless allowed by federal law".

LEGISLATIVE BILL 1151. Placed on General File as amended.
Standing Committee amendment to LB 1151:
AM2685

1. Insert the following new sections:

"Sec. 12. Threatened release shall mean a release which is probable and not merely possible or speculative.

Sec. 19. That section 81-1578, Revised Statutes Supplement, 1989, be amended to read as follows:

81-1578. Sections 81-1578 to 81-15,116 and section 20 of this act shall be known and may be cited as the Low-Level Radioactive Waste Disposal Act.

Sec. 20. There shall be a rebuttable presumption that the operator of a facility is liable and responsible for all damages from radioactive contamination within three miles of the boundary of the facility without proof of fault, negligence, or causation. In order to rebut the presumption of liability, the operator shall prove by a preponderance of the evidence that (1) the radioactive contamination existed prior to any disposal operations on the site as determined by a preoperational survey, (2) the landowner refused to allow the operator access to conduct a preoperational survey, or (3) the radioactive contamination occurred as a result of some cause other than facility operations.

Sec. 21. That section 81-15,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-15,102. (1) The state may accept or acquire, by gift, transfer, or purchase, from another governmental agency or private person, suitable sites including land and appurtenances for the disposal of low-level radioactive waste. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature on behalf of the state.

(2) The applicant shall notify the Governor and the Legislature before beginning any onsite geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.

(3) Lands and appurtenances which are used for the disposal of low-level radioactive waste shall be acquired in fee simple absolute and used exclusively for such purpose until the department determines that such exclusive use is not required to protect the public health, safety, welfare, or environment. Before such a site is leased for other use, the department shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site. ~~All radioactive material accepted for disposal at a radioactive waste disposal site shall become the property of the state, except that remedial cleanup costs which become necessary during the period of custodial care shall be assessed first to the facility operator, then proportionately against the generators of the radioactive waste~~ All costs of remedial action or removal as defined in sections 9 and 10 of this act shall be assessed in accordance with the Radioactive Waste Disposal Liability Act.

(4) The state may contract for the operation of a disposal site owned by the state or acquired pursuant to subsection (1) of this section. The contract operator shall be subject to licensing by the department and shall be subject to the surety and custodial care funding provisions of section 81-15,103.

Sec. 22. That original section 81-15,102, Reissue Revised Statutes of Nebraska, 1943, and section 81-1578, Revised Statutes Supplement, 1989, are repealed.”.

2. On page 2, line 1, strike “This” and insert “Sections 1 to 18 of this”; and in line 5 strike “14” and insert “15”.

3. On page 5, line 20, strike “16” and insert “17”.

4. On page 6, strike beginning with “or” in line 10 through “disposal” in line 11; strike beginning with “to” in line 14 through “which” in line 15 and insert “if such”; in line 16 after both occurrences of “released” insert “during transportation”; and in line 18 strike “15” and insert “16”.

5. On page 7, line 3, after “and” insert “after being informed”.

6. Insert underscoring in original sections 1 to 17.

7. Renumber the remaining sections accordingly.

(Signed) Jerry Chizek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 923 in the Journal. No objections. So ordered.

AM2532

(Amendments to Standing Committee amendments, AM2371)

1. Insert the following new section:

“Sec. 3. That section 71-6312, Revised Statutes Supplement, 1988, be amended to read as follows:

71-6312. (1) A person or business entity which engages in an asbestos project without a valid license or which uses employees on an asbestos project who do not hold a certificate, except as otherwise provided in the Asbestos Control Act, shall be assessed a civil penalty of not less than five thousand dollars nor more than twenty-five thousand dollars for the first offense and not less than twenty-five thousand dollars nor more than one hundred thousand dollars for a second or subsequent offense. Each day a violation continues shall constitute a separate offense.

(2) A person who engages in an asbestos

occupation without a valid certificate, except as otherwise provided in the act, shall be assessed a civil penalty of not less than five hundred dollars nor more than five thousand dollars for the first offense and not less than one thousand dollars nor more than fifteen thousand dollars for the second or subsequent offense. Each day a violation continues shall constitute a separate offense.

(3) Any business entity which engages in an asbestos project but does not provide the training course to its employees as required by section 71-6302 shall be assessed a civil penalty of not less than five thousand dollars nor more than twenty-five thousand dollars for the first offense and not less than twenty-five thousand dollars nor more than one hundred thousand dollars for a second or subsequent offense. Each day a violation continues shall constitute a separate offense.

~~(3)~~ (4) The civil penalties prescribed in subsections (1), ~~and~~ (2), and (3) of this section shall be assessed in a civil action brought for such purpose by the Attorney General in the district court of the county in which the violation occurred.

~~(4)~~ (5) A person or business entity which has been assessed a civil penalty under this section and subsequently engages in an asbestos project or an asbestos occupation without a valid certificate or license or which uses employees who do not hold a certificate, except as otherwise provided in the Asbestos Control Act, or a business entity which has been assessed a civil penalty under this section and subsequently fails to provide a training course to its employees when required:

(a) For a first offense, shall be guilty of a Class I misdemeanor; and

(b) For a second or subsequent offense, shall be guilty of a Class IV felony.".

2. On page 1, line 2, strike "4" and insert "5".

3. Insert the following new amendments:

"3. On page 7, line 1, strike 'and' and insert a comma; and in line 2 after the first comma insert 'and 71-6312,'.

4. Renumber the remaining section

accordingly.".

Mr. Lynch asked unanimous consent to print the following amendment to LB 923 in the Journal. No objections. So ordered.

AM2693

(Amendments to Standing Committee amendments, AM2371)

1. Strike amendment 2.

Mr. Conway asked unanimous consent to print the following amendment to LB 1146 in the Journal. No objections. So ordered.

AM2679

1. Insert the following new sections:

"Sec. 2. It is the purpose of sections 2 to 8 of this act to require certain reports and records of transactions involving currency when such reports and records have a high degree of usefulness in criminal investigations or proceedings.

Sec. 3. For purposes of sections 2 of 8 of this act:

(1) Currency shall mean currency and coin of the United States;

(2) Financial institution shall mean any bank, financial agency, or financial institution as defined by 31 U.S.C. 5312 and 31 C.F.R. 103;

(3) Superintendent shall mean the Superintendent of Law Enforcement and Public Safety; and

(4) Transaction shall mean the deposit, withdrawal, transfer, bailment, loan, pledge, payment, or exchange of currency by, through, or to a financial institution.

Sec. 4. (1) Every financial institution shall keep a record of any currency transaction in excess of ten thousand dollars and shall file a complete report of each such transaction with the Nebraska State Patrol within fifteen days after the date of the transaction. The filing with the Nebraska State Patrol of a duplicate copy of each report required by 31 U.S.C. 5313 and 31 C.F.R. 103.22 shall satisfy all reporting and record keeping requirements of this section. Any currency transaction exempt from reporting under 31 C.F.R. 103.22 shall be exempt from the requirements of this section.

(2) The reporting and record keeping requirements of this section shall not apply if the information in the report required by 31 U.S.C. 5313 and 31 C.F.R. 103.22 is available to the superintendent from a federal agency.

(3) No financial institution or any officer, employee, agent, or director thereof filing a report pursuant to this section shall be liable to any person for any loss or damage caused in whole or in part by the making, filing, or governmental use of the report or any information contained therein.

Sec. 5. The Department of Banking and Finance, the Department of Revenue, the Department of Justice, and any United States Government criminal justice agency shall have access to and may inspect and copy any reports filed with the Nebraska State Patrol pursuant to section 4 of this act.

Sec. 6. The superintendent shall adopt and promulgate rules and regulations to carry out sections 2 to 8 of this act.

Sec. 7. Any financial institution or any officer, employee, agent, or director thereof who knowingly and willfully violates subsection (1) of section 4 of this act shall be subject to a civil penalty which may not exceed one hundred dollars for each day the violation continues. The cumulative civil penalty for separate violations shall not exceed five hundred dollars.

Sec. 8. If the information required by subsection (1) of section 4 of this act which has been available to the superintendent from a federal agency subsequently becomes unavailable, a financial institution shall not be subject to the civil penalties provided for in section 7 of this act unless the financial institution has been notified by the superintendent that (1) the information is no longer available from a federal agency and (2) the financial institution is required to provide the information to the Nebraska State Patrol.".

2. Renumber remaining section accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2690

1. On page 8, line 7, after "department" insert "in collaboration with the commission, the Director of Health, the Director of Public Institutions, and the Commissioner of Education or their designees.".

2. On page 15, strike beginning with "The" in line 12 through "commission" in line 14 and insert "The director, upon the recommendation of the commission and the Director of Health, the Director of Public Institutions, and the Commissioner of Education or their designees, shall award grants for pilot family advocacy projects"; and in line 16 after "department" insert "in collaboration with the commission, the Director of Health, the Director of Public Institutions, and the Commissioner of Education or their designees".

UNANIMOUS CONSENT - Member Excused

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 233CA. Considered.

Mr. Coordsen moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Coordsen requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 16:

Baack
Beck
Bernard-Stevens
Conway
Coordsen
Goodrich
Hartnett
Labedz
Lindsay
Moore
Morrissey
Peterson
Schellpeper
Schmit
Scofield
Withem

Voting in the negative, 23:

Barrett
Byars
Chambers
Chizek
Crosby
Elmer
Haberman
Hall
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb
Landis
Langford
Lynch
Nelson
Robak
Rogers
Smith

Warner	Wehrbein	Weihing

Present and not voting, 1:

Dierks

Excused and not voting, 9:

Abboud	Beyer	Korshoj	Pirsch	Wesely
Ashford	Johnson, R.	McFarland	Schimek	

Failed to advance to E & R for review with 16 ayes, 23 nays, 1 present and not voting, and 9 excused and not voting.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Harry Wolstencroft from Omaha; 60 eighth grade students and teachers from Central City Middle School; 21 students and sponsor from Clarkson High; and Mike Hannon from O'Neill.

RECESS

At 12:12 p.m., on a motion by Mr. Lynch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, R. Johnson, and Ms. Schimek who were excused; and Messrs. Abboud, Chizek, Hannibal, Lindsay, Moore, Morrissey, Schmit, Wesely, Mmes. Beck, Labedz, Nelson, Pirsch, and Robak who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 852.

A BILL FOR AN ACT relating to counties; to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the publication of certain proceedings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Ashford
Baack
Barrett
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lynch
McFarland
Peterson
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Excused and not voting, 16:

Abboud
Beck
Beyer
Chizek
Hannibal
Johnson, R.
Labedz
Lindsay
Moore
Morrissey
Nelson
Pirsch
Robak
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 872.

A BILL FOR AN ACT relating to sheriffs; to amend sections 23-1708 and 23-1709, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision which allows a sheriff to execute process after expiration of his or her term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Ashford
Baack
Barrett
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lynch
McFarland
Peterson
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Excused and not voting, 16:

Abboud
Beck
Beyer
Chizek
Hannibal
Johnson, R.
Labedz
Lindsay
Moore
Morrissey
Nelson
Pirsch
Robak
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 918. With Emergency.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend sections 35-502, 35-508, and 35-509, Reissue Revised Statutes of Nebraska, 1943; to change numbering of certain subdivisions; to permit rural and suburban fire protection districts to compensate employees; to provide for rescue policies and programs; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing

Withem

Voting in the negative, 0.

Excused and not voting, 14:

Abboud
Beyer
Chizek
Hannibal
Johnson, R.
Labedz
Lindsay
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 924.

A BILL FOR AN ACT relating to bonds; to amend sections 10-114, 10-123, 10-128, 10-201, 10-202, and 10-711, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement for registration of certain bonds with the county clerk; to harmonize provisions; and to repeal the original sections, and also sections 10-203 to 10-208, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’ ”

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 0.

Present and not voting, 1:

Withem

Excused and not voting, 12:

Beyer
Chizek
Hannibal
Johnson, R.
Labedz
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 930.

A BILL FOR AN ACT relating to the National Guard; to amend sections 55-146 and 55-157, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to ordering certain personnel to active service; to change provisions relating to compensation of personnel ordered to active service as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 1:

Chambers

Excused and not voting, 11:

Beyer
Chizek
Hannibal
Johnson, R.
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 940.

A BILL FOR AN ACT relating to raptors; to amend sections 37-720, 37-724, and 37-725, Reissue Revised Statutes of Nebraska, 1943; to change the expiration of falconry licenses and captive propagation licenses; to change reporting requirements as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’ ”

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Excused and not voting, 11:

Beyer
Chizek
Hannibal
Johnson, R.
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 969.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3252, Reissue Revised Statutes of Nebraska, 1943; to provide for adjoining districts to establish improvement project areas; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Beyer
Chizek
Johnson, R.
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 970. With Emergency.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize the conveyance of certain property; to provide for the disposition of amounts paid as damages; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch

McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Beyer
Chizek
Johnson, R.
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 974.

A BILL FOR AN ACT relating to unemployment compensation; to amend section 48-647, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions providing for withholding of spousal support from such compensation as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 10:

Beyer
Chizek
Johnson, R.
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1016. With Emergency.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1989; to change provisions relating to powers of savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 10:

Beyer
Chizek
Johnson, R.
Moore
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1017. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1989; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 1:

Korshoj

Excused and not voting, 9:

Beyer
Chizek
Johnson, R.
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 852, 872, 918, 924, 930, 940, 969, and 970.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1070.

A BILL FOR AN ACT relating to the adoption of children; to amend section 43-118, Reissue Revised Statutes of Nebraska, 1943; to provide for payments to adoptive parents of children with special needs; to provide for rules and regulations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 9:

Beyer
Chizek
Johnson, R.
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1076. With Emergency.

A BILL FOR AN ACT relating to public streets and sidewalks; to amend section 19-4301, Reissue Revised Statutes of Nebraska, 1943; to provide for the closing of a street or sidewalk under certain conditions as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Beyer
Chizek
Johnson, R.
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1098.

A BILL FOR AN ACT relating to public building commissions; to amend sections 13-1301 and 13-1302, Reissue Revised Statutes of Nebraska, 1943; to provide for public building commissions established by cities of the primary class and counties in which such cities are located; to restate intent; to redefine terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 1:

Hannibal

Excused and not voting, 9:

Beyer
Chizek
Johnson, R.
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1118.

A BILL FOR AN ACT relating to the State Fire Marshal; to allow certain tanks to remain or be installed aboveground.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner

Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Beyer
Chizek
Johnson, R.
Morrissey
Nelson
Pirsch
Schimek
Schmit
Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 315. Title read. Considered.

Standing Committee amendment, AM0797, found in the Journal on page 1067 for the Forty-Fourth Day, First Session, 1989, was considered.

Mr. Lindsay asked unanimous consent to replace the Lindsay-Morrissey pending amendment, AM2674, found in the Journal on page 985, to the Standing Committee amendment, with a substitute amendment. No objections. So ordered.

Messrs. Lindsay and Morrissey withdrew their pending amendment, AM2674, found in the Journal on page 985.

Pending.

Messrs. Warner, L. Johnson, Ashford, Hannibal, Moore, Wehrbein, Mrs. Langford, and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1017, 1016, 974, 1070, 1076, 1098, and 1118.

GENERAL FILE

LEGISLATIVE BILL 315. Mr. Lindsay offered the following substitute amendment to the Standing Committee amendment:
FA381

1. strike the original sections of the committee amendments
2. In the original bill, strike lines 10-18 on page 5 and, on page 5, line 9, strike "through 3,850.00" and insert "and over"

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay withdrew his substitute amendment.

Mr. Coordsen offered the following amendment to the Standing Committee amendment:
AM2709

(Amendments to Standing Committee Amendment)

1. Insert the following new sections:

"Section 1. That section 48-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-624. ~~An~~ (1) On and after January 1, 1991, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this ~~section~~ subsection on the line on which, in Column A of such table, there appear the total wages paid to such individual for insured work, in that quarter, of his or her base period, in which such total wages were highest.

UNEMPLOYMENT BENEFIT TABLE

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$ 400.01 through $ 450.00	$ 20.00
450.01 through 500.00	22.00
500.01 through 550.00	24.00
550.01 through 600.00	26.00
600.01 through 650.00	28.00
650.01 through 700.00	30.00
700.01 through 750.00	32.00
750.01 through 800.00	34.00
800.01 through 850.00	36.00
850.01 through 900.00	38.00

900.01 through 950.00	40.00
950.01 through 1,000.00	42.00
1,000.01 through 1,050.00	44.00
1,050.01 through 1,100.00	46.00
1,100.01 through 1,150.00	48.00
1,150.01 through 1,200.00	50.00
1,200.01 through 1,250.00	52.00
1,250.01 through 1,300.00	54.00
1,300.01 through 1,350.00	56.00
1,350.01 through 1,400.00	58.00
1,400.01 through 1,450.00	60.00
1,450.01 through 1,500.00	62.00
1,500.01 through 1,550.00	64.00
1,550.01 through 1,600.00	66.00
1,600.01 through 1,650.00	68.00
1,650.01 through 1,700.00	70.00
1,700.01 through 1,750.00	72.00
1,750.01 through 1,800.00	74.00
1,800.01 through 1,850.00	76.00
1,850.01 through 1,900.00	78.00
1,900.01 through 1,950.00	80.00
1,950.01 through 2,000.00	82.00
2,000.01 through 2,050.00	84.00
2,050.01 through 2,100.00	86.00
2,100.01 through 2,150.00	88.00
2,150.01 through 2,200.00	90.00
2,200.01 through 2,250.00	92.00
2,250.01 through 2,300.00	94.00
2,300.01 through 2,350.00	96.00
2,350.01 through 2,400.00	98.00
2,400.01 through 2,450.00	100.00
2,450.01 through 2,500.00	102.00
2,500.01 through 2,550.00	104.00
2,550.01 through 2,600.00	106.00
2,600.01 through 2,650.00	108.00
2,650.01 through 2,700.00	110.00
2,700.01 through 2,750.00	112.00
2,750.01 through 2,800.00	114.00
2,800.01 through 2,850.00	116.00
2,850.01 through 2,900.00	118.00
2,900.01 through 2,950.00	120.00
2,950.01 through 3,000.00	122.00
3,000.01 through 3,050.00	124.00
3,050.01 through 3,100.00	126.00

3,100.01 through 3,150.00	128.00
3,150.01 through 3,200.00	130.00
3,200.01 through 3,250.00	132.00
~~3,250.01 and over~~	~~134.00~~
3,250.01 through 3,300.00	134.00
3,300.01 through 3,350.00	136.00
3,350.01 through 3,400.00	138.00
3,400.01 through 3,450.00	140.00
3,450.01 through 3,500.00	142.00
3,500.01 and over	144.00

(2) On and after January 1, 1992, an individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this subsection on the line on which, in Column A of such table, there appear the total wages paid to such individual for insured work, in that quarter, of his or her base period, in which such total wages were highest.

UNEMPLOYMENT BENEFIT TABLE

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$ 400.01 through $ 450.00	$ 20.00
450.01 through 500.00	22.00
500.01 through 550.00	24.00
550.01 through 600.00	26.00
600.01 through 650.00	28.00
650.01 through 700.00	30.00
700.01 through 750.00	32.00
750.01 through 800.00	34.00
800.01 through 850.00	36.00
850.01 through 900.00	38.00
900.01 through 950.00	40.00
950.01 through 1,000.00	42.00
1,000.01 through 1,050.00	44.00
1,050.01 through 1,100.00	46.00
1,100.01 through 1,150.00	48.00
1,150.01 through 1,200.00	50.00
1,200.01 through 1,250.00	52.00
1,250.01 through 1,300.00	54.00
1,300.01 through 1,350.00	56.00
1,350.01 through 1,400.00	58.00
1,400.01 through 1,450.00	60.00
1,450.01 through 1,500.00	62.00

1,500.01 through 1,550.00	64.00
1,550.01 through 1,600.00	66.00
1,600.01 through 1,650.00	68.00
1,650.01 through 1,700.00	70.00
1,700.01 through 1,750.00	72.00
1,750.01 through 1,800.00	74.00
1,800.01 through 1,850.00	76.00
1,850.01 through 1,900.00	78.00
1,900.01 through 1,950.00	80.00
1,950.01 through 2,000.00	82.00
2,000.01 through 2,050.00	84.00
2,050.01 through 2,100.00	86.00
2,100.01 through 2,150.00	88.00
2,150.01 through 2,200.00	90.00
2,200.01 through 2,250.00	92.00
2,250.01 through 2,300.00	94.00
2,300.01 through 2,350.00	96.00
2,350.01 through 2,400.00	98.00
2,400.01 through 2,450.00	100.00
2,450.01 through 2,500.00	102.00
2,500.01 through 2,550.00	104.00
2,550.01 through 2,600.00	106.00
2,600.01 through 2,650.00	108.00
2,650.01 through 2,700.00	110.00
2,700.01 through 2,750.00	112.00
2,750.01 through 2,800.00	114.00
2,800.01 through 2,850.00	116.00
2,850.01 through 2,900.00	118.00
2,900.01 through 2,950.00	120.00
2,950.01 through 3,000.00	122.00
3,000.01 through 3,050.00	124.00
3,050.01 through 3,100.00	126.00
3,100.01 through 3,150.00	128.00
3,150.01 through 3,200.00	130.00
3,200.01 through 3,250.00	132.00
3,250.01 through 3,300.00	134.00
3,300.01 through 3,350.00	136.00
3,350.01 through 3,400.00	138.00
3,400.01 through 3,450.00	140.00
3,450.01 through 3,500.00	142.00
3,500.01 through 3,550.00	144.00
3,550.01 through 3,600.00	146.00
3,600.01 through 3,650.00	148.00
3,650.01 through 3,700.00	150.00

3,700.01 through 3,750.00 .... 152.00
3,750.01 and over 154.00

Sec. 3. Sections 1 and 4 of this act shall become operative on January 1, 1991. The other sections of this act shall become operative on their effective date.

Sec. 5. That original section 48-628, Revised Statutes Supplement, 1989, is repealed.".

2. On page 1, line 1, strike "Insert" and insert "Strike original section 1 and all amendments thereto and insert" and strike "section" and insert "sections".

3. Strike amendment 2 and renumber the remaining amendment.

The Coordsen amendment was adopted with 21 ayes, 0 nays, 11 present and not voting, and 17 excused and not voting.

Messrs. Hefner and Coordsen renewed their pending amendment, AM2508, printed separately from the Journal and referred to on page 931, to the Standing Committee amendment.

Mr. Hall requested a ruling of the Chair on whether the Hefner-Coordsen amendment is germane to the Standing Committee amendment.

The Chair ruled the Hefner-Coordsen amendment is not germane to the Standing Committee amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Messrs. Hefner and Coordsen renewed their pending amendment, AM2508, printed separately from the Journal and referred to on page 931.

Mr. Hall requested a ruling of the Chair on whether the Hefner-Coordsen amendment is germane to the bill.

The Chair ruled the Hefner-Coordsen amendment is germane to the bill.

Mr. Hall challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hall requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 7:

Hall
Hartnett
Labedz
Lindsay
Lynch
McFarland
Morrissey

Voting in the negative, 20:

Abboud
Baack
Beck
Bernard-Stevens
Byars
Chambers
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hefner
Korshoj
Kristensen
Lamb
Rogers
Smith
Weihing
Withem

Present and not voting, 5:

Barrett
Peterson
Robak
Schellpeper
Wesely

Excused and not voting, 17:

Ashford
Beyer
Chizek
Conway
Hannibal
Johnson, L.
Johnson, R.
Landis
Langford
Moore
Nelson
Pirsch
Schimek
Schmit
Scofield
Warner
Wehrbein

The Hall motion to overrule the Chair lost with 7 ayes, 20 nays, 5 present and not voting, and 17 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen offered the following amendment to the pending Hefner-Coordsen amendment:
AM2729

(Amendments to AM2508)

1. Insert the following new sections:

"Section 1. That section 48-601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-601. Sections 48-601 to 48-671 and section 2 of this act shall be known and may be cited as the Employment Security Law.

Sec. 2. Any person who is disqualified due to (1) refusal of the lawful directive of an employer to provide a body fluid sample or breath sample as provided in section 48-1903 or (2) use or possession of a controlled substance as defined in section 28-405, which substance was not prescribed by a licensed physician or surgeon, when such use or possession is either upon the work site or affects the employment relationship, shall be eligible for benefits if such persons are enrolled in a drug or alcohol treatment program approved by the commissioner. Such benefits shall be determined in the same manner as benefits under the Employment Security Act, but such benefits shall be appropriated from the Employment Security Special Contingent Fund, and if there are not enough funds available, such benefits shall be appropriated from the General Fund.

Sec. 3. That section 48-621, Revised Statutes Supplement, 1989, be amended to read as follows:

48-621. The administrative fund shall consist of the Employment Security Administration Fund and the Employment Security Special Contingent Fund. Each fund shall be maintained as a separate and distinct account in all respects, as follows:

(a) There is hereby created in the state treasury a special fund to be known as the Employment Security Administration Fund. All money deposited or paid into this fund is hereby appropriated and made available to the Commissioner of Labor. All money in this fund shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor of the United States for the proper and efficient administration of the Employment Security Law and for no other purpose whatsoever. The fund shall consist of all money appropriated by this state and all money received from the United States of America or any agency thereof, including the Department of Labor and the Railroad Retirement Board, or from any other source for such purpose. Money received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy for losses sustained by the Employment Security Administration Fund or by reason of damage to equipment or supplies purchased from money in such fund, and any proceeds realized from the sale or disposition of any equipment or supplies which may no longer be necessary for the proper administration of such law shall also be paid into this fund. All money in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Any balances in this fund, except balances of money therein appropriated from the General Fund of this state, shall not lapse at any time but shall be continuously available to the commissioner for expenditure consistent with the Employment Security Law. Notwithstanding any other provisions of this section, all money requisitioned and deposited in this fund pursuant to section 903 of the Social Security Act, as amended, shall remain part of the Unemployment Compensation Fund and shall be used only in accordance with the conditions specified in section 903 of the Social Security Act. Any money in the Employment Security Administration Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(b) There is hereby created in the state treasury a special fund to be known as the Employment Security Special Contingent Fund. Any money in the Employment Security Special Contingent Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. All money collected under section 48-655 as interest on delinquent contributions, less refunds, shall be paid into this fund from the clearing account of the Unemployment Compensation Fund at the end of each calendar quarter. Such money shall not be expended or available for expenditure in any manner which would permit its substitution for or a corresponding reduction in federal funds which would in the absence of such money be available to finance expenditures for the administration of the unemployment insurance law, but nothing in this section shall prevent the money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such federal funds when received. The money in this fund may be used by the Commissioner of Labor only as follows:

(1) To replace within a reasonable time any money received by this state pursuant to section 302 of the federal Social Security Act, as amended, and required to be paid under section 48-622;

(2) To meet special extraordinary and contingent expenses which are deemed essential for good administration but which are not provided in grants from the Secretary of Labor of the United States and, for this purpose, no expenditures shall be made from this fund except on written authorization by the Governor at the request of the Commissioner of Labor;

(3) To be transferred to the Nebraska Technical Community College Aid Cash Fund; ~~and~~

(4) To be transferred to the Job Training Cash Fund; and

(5) To be used to pay benefits and administrative costs to a person disqualified from receiving unemployment insurance benefits as provided in section 2 of this act if such person is enrolled in a drug or alcohol treatment program approved by the commissioner.".

2. Strike amendment 2 and insert the following new amendment:

"2. On page 5, line 19, strike 'section' and insert 'sections 48-601 and'; and in line 20 strike 'is' and insert 'and sections 48-621 and 48-628, Revised Statutes Supplement, 1989, are'.".

3. Renumber remaining sections and correct

internal references accordingly.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 1990, at 3:30 p.m., were the following bills: 852, 872, 918, 924, 930, 940, 969, 970, 974, 1016, 1017, 1070, 1076, 1098, and 1118.

(Signed) Jeffrey DeLine, Enrolling Clerk

ADJOURNMENT

At 4:05 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Wednesday, February 28, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - FEBRUARY 28, 1990

LEGISLATIVE JOURNAL

THIRTY-SIXTH DAY - FEBRUARY 28, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 28, 1990

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Scott Pixler, Independent Christian Churches, University of Nebraska, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Ashford, Mrs. Pirsch, and Ms. Schimek who were excused; and Messrs. Abboud, Baack, Chambers, Hall, Hannibal, R. Johnson, Korshoj, Kristensen, Landis, Lindsay, Lynch, Moore, Schmit, Wesely, Mmes. Beck, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

MR. WEIHING PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 260. Placed on Select File as amended.
E & R amendment to LB 260:
AM7172
1. In the Standing Committee amendments,

AM0323, on page 2, line 17, strike the comma.

2. On page 2, line 25; page 4, lines 1, 6, 16, and 21; page 5, line 10; and page 6, line 10; strike "indicia" and insert "indicium".

3. On page 16, line 16, strike "1990" and insert "1991".

LEGISLATIVE BILL 260A. Placed on Select File as amended.
E & R amendment to LB 260A:
AM7173

1. On page 1, line 4, strike "First Session, 1989" and insert "Second Session, 1990".

2. On page 2, strike beginning with the second "the" in line 2 through the third comma in line 3 and insert "FY1990-91"; in line 4 strike beginning with "the" through "1991" and insert "FY1991-92"; in line 7 strike "First Session, 1989" and insert "Second Session, 1990"; strike beginning with "the" in line 10 through the third comma in line 11 and insert "FY1990-91"; and strike beginning with "the" in line 11 through "1991" in line 12 and insert "FY1991-92".

LEGISLATIVE BILL 799. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7174.)

(Signed) John C. Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1244. Placed on General File as amended.
Standing Committee amendment to LB 1244:
AM2702

1. On page 3, before line 1, insert:

"Claim No. 130, against the State Treasurer, pay to Hattie Johnson, 4216 No. 92nd Avenue, Omaha, Nebraska, 68134, out of the General Fund 91.85"; after line 5 insert:

"Claim No. 152, against the Department of Revenue, pay to Doyle and Roma Heinrichs, 130 So. 5th St., Hebron, Nebraska, 68370, out of the General Fund 93.00"; after line 11 insert:

"Claim No. 159, against the Department of

Revenue, pay to Elizabeth Divis, Box 5, Brewster, Nebraska, 68820, out of the General Fund 40.00

Claim No. 185, against the Department of Correctional Services. pay to Kenneth A. Tobkin, 1306 No. 45th St., Lincoln, Nebraska, 68503, out of the General Fund 390.18"; and in line 15 strike "10,694.89" and insert "8,121.00".

2. On page 4, after line 16, insert:

"Claim No. 963, against the Department of Revenue, pay to Leone L. Sandham, 1916 Brooks, Suite 224, Missoula, Montana, 59801, out of the General Fund 37.00".

3. On page 5, after line 2, insert:

"Claim No. 985, against the Department of Revenue, pay to Leo Irwin, 6228 Poppleton, Omaha, Nebraska, 68106, out of the General Fund 271.00".

4. On page 6, line 8, strike "119,046.94" and insert "117,396.97"; and in line 10 strike "277,411.21" and insert "275,760.35".

LEGISLATIVE BILL 1245. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 90015

DATE: February 27, 1990

SUBJECT: Availability of State Employee Bonus Information Under the Public Records Statutes

REQUESTED BY: Jerry L. Sellentin, Director
State Department of Personnel

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

You have asked for our opinion on the following question: "{c}an a State agency be required to provide the public with access to information concerning whether or not a particular agency employee received a bonus, based upon performance, and the amount, which information is contained in the employee's personnel file?" Our answer to your question is "yes," but in a limited fashion as discussed below.

Your opinion request apparently grows out of a recent situation where an employee of a state agency requested that the agency provide information specifying which employees received bonuses during the year and the amount of the bonuses received. Under Chapter 7, Section 006 of the Nebraska Classified System Personnel Rules, a bonus is actually a form of merit pay increase and such an increase can only be awarded for documented superior job performance. Accordingly, release of the bonus information would, in effect, provide information on which employees received superior performance evaluation ratings and which did not.

Apart from the requirements of good operating policy and courtesy, we are aware of no Nebraska statutes which require state agencies to respond generally to questions from the public or to create or prepare materials in response to such general public questions. Therefore, we do not believe that an agency must create a list of employees who received bonuses. However, the public has a right to review existing public documents under the provisions of our state public records statutes, Neb.Rev.Stat. §84-712 et seq (Reissue 1987). Access to the bonus information in question therefore depends upon what particular documents are available, and whether those documents must be made public under the public records statutes.

There is very little case law interpreting the provisions of our state public records statutes. However, it is clear that where the words of a statute are plain and unambiguous, no interpretation is needed to ascertain their meaning, and, in the absence of anything to indicate to the contrary, words will be given their ordinary meaning. Vulcraft, a Division of Nucor Corporation v. Karnes, 229 Neb. 676, 428 N.W.2d 505 (1988). Moreover, an effect must be given to all the several parts of a statute, and no portion should be rejected as meaningless or superfluous. NC+ Hybrids v. Growers Seed Association, 219 Neb. 296, 363 N.W.2d 362 (1985).

Neb.Rev.Stat. §84-712.05 establishes several categories of public documents which may be withheld from the public by the lawful custodian of those records. Subsection (7) of §84-712.05 lists "personal information in records regarding personnel of public bodies other than salaries and routine directory information" as a category of information which may be kept confidential. We believe that subsection (7) would clearly allow a public agency to keep employee evaluations and bonus information in an employee's personnel file confidential. In addition, we believe that other materials or records reflecting such personal information may also generally be kept confidential. For example, a list prepared by the agency of those employees who received bonuses and the amount of each bonus could be kept confidential under subsection (7).

On the other hand, it is clear that the public is entitled to review salary records under subsection (7). Moreover, Neb.Rev.Stat. §84-712.01(2) provides that the public records statutes shall be liberally construed whenever warrants, payrolls, vouchers or other fiscal records are involved. Therefore, we believe that fiscal records reflecting salary information for public employees may not be withheld from the public simply because they might indicate who received a bonus. On this basis, members of the public have an absolute right to review payroll warrants and other payment documents of state agencies.

Consequently, we believe that a state agency is required to release fiscal records which reveal salary payments to individual employees, and it may be possible for a person to review those records and determine who received a merit increase. To the extent that such fiscal records therefore "provide the public with access to information concerning whether or not a particular agency employee received a bonus, based upon performance, and the amount," even though that information is also in the employee's personnel file, your original question must be answered in the affirmative.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

5-158-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Messrs. Lynch and Withem asked unanimous consent to print the following amendment to LB 896 in the Journal. No objections. So ordered.

AM2668

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. That section 77-2716, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes;

(c) There shall be added the total dividends and other income received from a regulated investment company to the extent excluded for federal income tax purposes, except that when a regulated investment company has reported to the recipient that as of the end of each quarter of the tax year of the company at least eighty percent of its total assets were (i) obligations described in subdivision (a) of this subsection, the total dividends and other income may be excluded or (ii) obligations described in subdivision (b) of this subsection and obligations issued under the laws of Nebraska that are exempt for federal income tax purposes, the dividends and other income may be excluded to the extent they are attributable to obligations issued under the laws of Nebraska that are exempt for federal income tax purposes; and

(d)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual or partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for

groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8) Federal adjusted gross income shall be modified to exclude the amount received by an individual as a qualified federal governmental pension. This modification shall be limited to the maximum excludable social security benefit, reduced by social security benefits, as defined in I.R.C. 86(d), and by any amount of a qualified federal government pension which were excluded from gross income. The exclusion shall not be applicable until the year the federal annuitant or survivor attains age sixty-five on the first day of the calendar year.

For purposes of this subsection:

(a) Applicable maximum benefit amount shall mean (i) for an unmarried individual, including one filing as a head of household, the maximum individual social security benefit, (ii) for a married individual filing a joint return, one hundred fifty percent of the maximum individual social security benefit, or (iii) for a married individual filing a separate return, seventy-five percent of the maximum individual social security benefit;

(b) Maximum excludable social security benefit shall mean an amount which would be excluded from gross income if the applicable maximum benefit amount were treated as social security, as defined in I.R.C. 86(d), received during the taxable year;

(c) Maximum individual social security benefit shall mean the maximum total amount, as certified by the Secretary of Health and Human Services, which could be paid for all months in the calendar year ending in the taxable year of old-age insurance under section 202(a) of the Social Security Act, without regard to any reduction, deduction, or offset under section 202(k) or section 203 of such act, to any individual who attained age sixty-five and filed application for such benefit, on the first day of such calendar year; and

(d) Qualified federal governmental pension shall mean any pension or annuity received under federal civil service or military retirement systems to the extent such pension or annuity is not attributable to service which constitutes employment for purposes of chapter 21 of the Federal Insurance Contributions Act or which is covered by an agreement made pursuant to section 218 of the Social Security Act.

Sec. 3. Sections 1 and 4 of this act shall be operative for all taxable years beginning or deemed to begin on or after January 1, 1991, under the Internal Revenue Code of 1986, as amended. The other sections of this act shall become operative on their effective date.

Sec. 4. That original section 77-2716, Revised Statutes Supplement, 1989, is repealed.".

2. On page 1, line 3, after "1988" insert ", and section 77-2716, Revised Statutes Supplement, 1989; to provide an income tax adjustment as prescribed"; in line 7 after the semicolon insert "to provide operative dates;"; and in line 8 strike "section" and insert "sections".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 261. Read. Considered.

LR 261 was adopted with 26 ayes, 0 nays, and 23 not voting.

SPEAKER BARRETT PRESIDING

SELECT FILE

LEGISLATIVE BILL 579. E & R amendment, AM7158, found in the Journal on page 906 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 994. E & R amendment, AM7152, found in the Journal on page 906 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 994A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 830. Advanced to E & R for engrossment.
LEGISLATIVE BILL 938. Advanced to E & R for engrossment.
LEGISLATIVE BILL 834. Advanced to E & R for engrossment.

LEGISLATIVE BILL 987. E & R amendment, AM7154, found in the Journal on page 906 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 987A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 978. Advanced to E & R for engrossment.
LEGISLATIVE BILL 888. Advanced to E & R for engrossment.

LEGISLATIVE BILL 917. E & R amendment, AM7153, found in the Journal on page 907 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 946. Advanced to E & R for engrossment.
LEGISLATIVE BILL 954. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1077. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1037. E & R amendment, AM7156, found in the Journal on page 907 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1067. Advanced to E & R for engrossment.

LEGISLATIVE BILL 831. E & R amendment, AM7155, found in the Journal on page 907 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 932. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1178. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1102. E & R amendment, AM7159, found in the Journal on page 907 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1109. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1165. E & R amendment, AM7157, found in the Journal on page 908 for the Thirty-Second Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1217. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1228. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1105. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1119. Advanced to E & R for engrossment.

LEGISLATIVE BILL 853. E & R amendment, AM7168, found in the Journal on page 942 for the Thirty-Third Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1086. E & R amendment, AM7161, found in the Journal on page 943 for the Thirty-Third Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1216. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1167. E & R amendment, AM7162, found in the Journal on page 943 for the Thirty-Third Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 903. E & R amendment, AM7165, found in the Journal on page 943 for the Thirty-Third Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 844. E & R amendment, AM7163, found in the Journal on page 943 for the Thirty-Third Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 919. E & R amendment, AM7164, found in the Journal on page 943 for the Thirty-Third Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1183. E & R amendment, AM7166, found in the Journal on page 944 for the Thirty-Third Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 983. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 315. The pending Hefner-Coordsen amendment, AM2508, as amended, printed separately from the Journal and referred to on page 931 and considered on page 1026, was renewed.

Mr. Hall offered the following amendment to the pending Hefner-Coordsen amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2730.)

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall amendment was adopted with 22 ayes, 0 nays, 17 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment to the pending Hefner-Coordsen amendment:
FA382

Strike. "affects the employment relationship" wherever it appears and insert, "substantially impairs the ability to perform the duties of the job he or she is hired to perform"

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Baack
Bernard-Stevens
Chambers
Chizek
Conway
Hall
Labedz
Landis
Lynch
McFarland
Morrissey
Nelson
Robak
Scofield
Wesely
Withem

Voting in the negative, 23:

Abboud
Barrett
Beck
Beyer
Byars
Coordsen
Elmer
Goodrich
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
Moore
Peterson
Rogers
Schellpeper
Schmit
Warner
Wehrbein
Weihing

Present and not voting, 5:

Crosby
Dierks
Hartnett
Johnson, R.
Smith

Absent and not voting, 1:

Haberman

Excused and not voting, 4:

Ashford
Hannibal
Pirsch
Schimek

The Chambers amendment lost with 16 ayes, 23 nays, 5 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Withem and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the pending Hefner-Coordsen amendment:
FA383
Wherever the words "affects the employment relationship" appear, add after the word "relationship", "in connection with performing his or her duties

Pending.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 791. Indefinitely postponed.
LEGISLATIVE BILL 792. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Judiciary

(LB 445 was incorrectly reported to General File. LB 446 should have been reported.)

LEGISLATIVE BILL 445. Remains in Judiciary Committee.

LEGISLATIVE BILL 446. Placed on General File.

(Signed) Jerry Chizek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 42, 663A, 863, 896A, 922, 1004, 1004A, and 1199.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 1004

The following changes, required to be reported for publication in the Journal, have been made:
ER6248

1. In the Rogers-Dierks amendment, AM2657, on page 1, the matter beginning with "state" in line 4 through "eradication" in line 5 has been struck.

2. Original section 4 and all amendments thereto have been struck.

3. On page 1, line 2; and page 20, line 25, "section 54-2207," has been struck.

4. On page 1, line 10, "a definition; to eliminate" has been inserted after "eliminate"

5. On page 1, line 13; and page 21, line 3, "54-2207, Reissue Revised Statutes of Nebraska, 1943, and section" has been inserted after "section".

6. On page 7, line 23, the comma has been struck and shown as stricken.

7. On page 14, line 15, "or" has been struck.

8. The remaining sections have been renumbered and internal references corrected accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mrs. Langford and Mr. Wesely asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

AM2734

(Amendments to Standing Committee amendments, AM0747)

1. On page 1, line 20, after the first period insert "The use of X-rays beyond the axial skeleton shall be solely for diagnostic purposes and shall not expand the practice of chiropractic to include the treatment of human ailments, disorders, and disease not permitted when the use of X-rays was limited to the axial skeleton.".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2710

1. Insert the following new section:

"Sec. 10. Upon submission to the department, each grant proposal shall be deemed a public record and shall be available for inspection upon request.".

2. On page 12, strike beginning with "All" in line 9 through line 14 and insert:

"All grant proposals shall be reviewed by the commission. As part of its review the commission shall, after publishing notice thereof at least twenty days in advance, conduct a public hearing on all proposals submitted to it. Subsequent to a public hearing and review the commission shall submit funding recommendations to the department. In reviewing and ranking proposals for the awarding of grants, the department and the commission, at a minimum, shall consider the following:".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

AM2712

1. On page 17, strike lines 6 through 11.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 542 in the Journal. No objections. So ordered.

AM2568

1. On page 2, line 14, after the period insert "No risk-loss trust established pursuant to section 1 of this act shall be a member of the Nebraska Property and Liability Insurance Guaranty Association.".

RESOLUTION

LEGISLATIVE RESOLUTION 262. Introduced by Lamb, 43rd District: Scofield, 49th District; Dierks, 40th District; Peterson, 21st District.

WHEREAS, economic strength and the safety of its populace are of paramount importance to the well-being of Nebraska; and

WHEREAS, the northern portion of Nebraska between Chadron and Norfolk has long been served by a major line known as the Nebraska line of the Chicago and North Western Railroad; and

WHEREAS, rail transportation is a vital link between not only urban and rural Nebraska but more importantly between Nebraska, the nation, and the world, which link provides for the economical, efficient, and safe movement of agricultural and industrial products and materials; and

WHEREAS, the Chicago and North Western Railroad has announced that it must divest itself of the Nebraska line either through sale or abandonment because of decreased local car-loading, increased competition, and the loss of the historic bentonite traffic over the line, and yet the railroad at the same time actively promoted the rerouting of the bentonite through South Dakota on the Dakota, Minnesota, and Eastern Railroad; and

WHEREAS, the level of service on the Nebraska line has been severely curtailed in recent months by the Chicago and North Western Railroad with railroad personnel terminated, equipment taken out of service, maintenance deferred, train schedules reduced from five to one per week, and historic Nebraska traffic rerouted over other lines, resulting in reliance on rail service being discouraged; and

WHEREAS, business and communities have experienced deliberate downgrading on the Nebraska line and desire to seek reinstatement of reasonable rail service so vital to the state; and

WHEREAS, the Chicago and North Western Railroad has solicited bids to sell the Nebraska line between Chadron and Norfolk but initially declined to sell essential equipment, facilities, and trackage and traffic rights or connections through, in, or beyond Chadron and Norfolk, thereby discouraging meaningful bids from third parties interested in maintaining rail service on the Nebraska line; and

WHEREAS, in the absence of the sale of the Nebraska line, the Chicago and North Western Railroad contends it has no alternative but to seek abandonment of the Nebraska line which would effectively isolate a significant portion of this state and eliminate competition for transportation service, thus increasing costs to shippers and resulting in an adverse impact on the stability and profitability of agriculture and other businesses that have historically relied on rail service; and

WHEREAS, the loss of rail service on the Nebraska line will force onto the highways of the state a substantial volume of traffic resulting in accelerated deterioration of highways, increased highway maintenance costs, heavier highway traffic in populated areas, and extensive highway movement of agricultural chemicals previously relegated to rail movement; and

WHEREAS, the resolution of this crisis confronting Nebraska requires both federal intervention, given the interstate nature of the preponderance of the traffic, the lack of meaningful Nebraska jurisdiction over the Chicago and North Western railroad, and the major role of the Interstate Commerce Commission in such a situation, and the active involvement and participation of the state to develop an immediate and satisfactory solution to this crisis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the Chicago and North Western Railroad to reinstate the level of service previously enjoyed by business on the Nebraska line and to maintain such level of service while negotiating in good faith for the sale of a viable rail service having access to traffic and markets beyond Chadron and Norfolk, including the bentonite traffic.

2. That the Legislature requests that the Interstate Commerce Commission initiate an investigation into the alleged failure by the Chicago and North Western Railroad to fulfill the railroad's common carrier obligation under applicable law.

3. That the Legislature requests that the Interstate Commerce Commission use its good offices to insure that rail service over the Nebraska line be reinstated to the level of service previously enjoyed by businesses on the Nebraska line and be so maintained until the Chicago and North Western Railroad is relieved of its common carrier obligations by the transfer of the ownership and control of the Nebraska line to a responsible third party and that the Interstate Commerce Commission specifically recognize and order cessation of the deliberate downgrading of service on the Nebraska line.

4. That the Legislature expresses appreciation for past support and urges the members of the Nebraska delegation to the Congress of the United States to continue to use their good offices to (a) encourage the Chicago and North Western Railroad to reinstate the level of service previously enjoyed by business on the Nebraska line and to maintain such level of service while the railroad negotiates in good faith for the sale of a viable rail service having access to traffic and markets beyond Chadron and Norfolk, including the bentonite traffic and (b) urge the Interstate Commerce Commission to require the railroad to comply with its common carrier obligation until it is relieved of the obligation by the transfer of the Nebraska line to a responsible third party.

5. That the Transportation Committee of the Legislature, in recognition of the State's obligation to protect its economic strength and the safety of its populace, will continue to monitor this situation to explore and develop with private and public entities potential joint solutions to this problem.

6. That a copy of this resolution be sent to the Chair of the Interstate Commerce Commission, all members of the Nebraska

delegation to the Congress of the United States, and the President of the Chicago and North Western Railroad.

Laid over.

VISITORS

Visitors to the Chamber were 48 fourth grade students and teacher from Valley Elementary; Jennie Gutierrez from Lexington and Arlene McFall from Holdrege; Doris Thompson from Minden; Caroline Von Rein and Genevieve Gross-Rhode from North Bend and Clare Gocken from Fremont; Margarete Bause, Birgit Homburger, Michael Jacobi, and Alexander Stoeckl from Federal Republic of Germany (West Germany), David Edminster, Escort/Interpreter, and Art Nicholai from International Friendship Committee; Tom and Joan Sieck and daughter, Peggy, and Elsie Sieck from Pleasant Dale; and Delbert and Linda Gooder from Franklin.

RECESS

At 11:55 a.m., on a motion by Mr. McFarland, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Ashford, Mrs. Pirsch, and Ms. Schimek who were excused; and Messrs. Dierks, Hannibal, R. Johnson, McFarland, Schmit, Warner, Weihing, Withem, Mmes. Beck, Labedz, Smith, and Ms. Scofield who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Messrs. Elmer and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 315. The pending Chambers amendment, FA383, found in the Journal on page 1045, to the pending Hefner-Coordsen amendment, AM2508, was renewed.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 18 ayes, 0 nays, 13 present and not voting, and 18 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the pending Hefner-Coordsen amendment:
AM2743

(Amendments to AM2730)

1. On page 1, line 9, after the period insert "The Legislature finds that sound testing procedures which are properly implemented and properly communicated will better serve the employer and the employee.".

2. On page 6, line 22, after the period insert "Collection and testing procedures shall protect individual privacy, ensure accountability and integrity of specimens, require confirmation of all positive screening tests, mandate the use of approved laboratories, provide confidentiality for test results and medical histories, and ensure nondiscriminatory testing methods.".

The Bernard-Stevens amendment was adopted with 18 ayes, 0 nays, 13 present and not voting, and 18 excused and not voting.

Mr. Wesely offered the following amendment to the pending Hefner-Coordsen amendment:
FA384

"The loss of unemployment compensation benefits shall not occur if the employer does not provide health insurance coverage for treatment for the employee or the employer does not provide funding to pay for such treatment for the employee."

Mr. Wesely withdrew his pending amendment.

The pending Hefner-Coordsen amendment, AM2508, as amended, was renewed.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Hall requested a roll call vote on the Hefner-Coordsen amendment.

Voting in the affirmative, 29:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
Moore
Peterson
Rogers
Schellpeper
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 7:

Chambers
Chizek
Hall
Landis
Nelson
Robak
Wesely

Present and not voting, 3:

Hannibal
Hartnett
Lynch

Excused and not voting, 10:

Ashford
Dierks
Johnson, R.
Labedz
McFarland
Morrissey
Pirsch
Schimek
Schmit
Scofield

The Hefner-Coordsen amendment, AM2508, as amended, was adopted with 29 ayes, 7 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein offered the following amendment:
AM2740

(Amendments to AM2730)

1. On page 10, line 3, after the period insert "Any employer which is subject to a federally mandated or regulated drug and alcohol testing program for any part of its work force shall be exempt from the provisions of such sections if the employer applies the

6 procedures prescribed in the federal regulations for the
7 program in a similar manner to its other employees
8 tested.".

Mr. Chambers offered the following amendment to the pending Wehrbein amendment:
FA385
In line 7, strike "a similar" and insert "an identical"

Messrs. Moore and Withem asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his pending amendment.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Mr. Wehrbein requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud
Baack
Barrett
Beck
Beyer
Byars
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
Peterson
Robak
Schellpeper
Smith
Warner
Wehrbein

Voting in the negative, 10:

Bernard-Stevens
Chambers
Chizek
Johnson, R.
Labedz
Landis
Lynch
Morrissey
Weihing
Wesely

Present and not voting, 5:

Dierks
Hartnett
Hefner
Nelson
Rogers

Excused and not voting, 10:

Ashford	Hall	Moore	Schimek	Scofield
Haberman	McFarland	Pirsch	Schmit	Withem

The Wehrbein amendment lost with 24 ayes, 10 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 90016

DATE: February 27, 1990

SUBJECT: Is the principle of uniformity of taxation violated by LB 259 of the Ninety-first Legislature, Second Session and is the principle of "one man, one vote" applicable to "an affiliated school district" as those words are used in that legislative bill?

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Senior Assistant Attorney General

If LB 259 were enacted into operative law, all real property and all public elementary and high school students would be required to be in school systems which offer education in grades kindergarten through twelve. To accomplish this requirement, Class I school districts, which are not a part of a Class VI school district, would be required to affiliate with one or more Class II, III, IV, V, or VI school district(s). The act provides several methods by which the affiliation of Class I school districts could be accomplished. Under any of those methods, however, the identity of the Class I school districts per se, including their territory, their governing board, and the statutory powers and duties applicable thereto, would remain intact with respect to providing educational services for students in grades kindergarten through eight.

With respect to educational services for students in grades nine through twelve, section 16 of LB 259 provides that whenever the affiliation of a Class I school district becomes final, the provisions of Neb.Rev.Stat. §§79-494 to 79-4,105 for nonresident high school education shall not apply to such district for the ensuing school year and the levy described in section 17 of this act shall become effective for the next ensuing calendar year following affiliation. Section 17 of LB 259 provides that each high school district which affiliates with one or more Class I school districts shall divide its budgeted current operational expense into an elementary portion for grades kindergarten through eight and a high school portion for grades nine through twelve. It is to be noted, however, that the registered voters of a Class I school district are not permitted to vote for the members of the governing board of such high school districts and consequently have little, if any, legal input in the development and adoption of the high school portion of such budget.

At the outset, there are simply insufficient facts available for this office to determine if the rate of taxation would be uniform pursuant to LB 259 and therefore we express no opinion thereon. We do note that LB 259 surely goes to the very verge of the law. The fact that the registered voters of a Class I school district are not permitted to vote for the members of the governing board of the high school district to which it is affiliated with is troublesome. But it is not necessarily unconstitutional. The statutes at issue in Ewing v. Scotts Bluff County Bd. of Equalization, 227 Neb. 798, 420 N.W.2d 685 (1988) are strikingly similar to LB 259 which the court found to be constitutional. Whether the principle of "one man, one vote" would be applicable to the governing board of the high school district providing the high school program for an affiliated Class I school district is therefore unknown.

In construing an act of the Legislature, all reasonable doubt must be resolved in favor of constitutionality. Mann v. Wayne County Bd. of Equalization, 186 Neb. 752, 756, 186 N.W.2d 729 (1971). For each of the reasons discussed above, we can not say that LB 259 would violate the rule of uniformity or the principle of "one man, one vote."

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Harold Mosher
Senior Assistant Attorney General

20-111-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 862 in the Journal. No objections. So ordered.

AM2728
(Amendments to Standing Committee amendments, AM2343)

1. Insert the following new section:

"Section 1. There is hereby created the State Gaming Commission consisting of six members who shall be appointed and may be removed for cause by the Governor. The members of the commission shall be approved by a majority of the Legislature. The commission shall consist of (1) at least one person with pickle card experience, (2) at least one person with bingo experience, (3) at least one person with lottery or raffle experience, and (4) at least one person with county or city lottery experience. Not more than three members of the commission shall belong to the same political party, not more than two of the members shall reside in the same congressional district when appointed, and no two of the members shall reside in any one county.

Members of the commission shall serve for terms of three years, except that of the members initially appointed, two shall be appointed for terms of one year and two shall be appointed for terms of two years as designated by the Governor. Any person appointed to fill a vacancy occurring during an unexpired term shall serve out the term of his or her predecessor.

Members of the commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177 and shall be bonded under the blanket surety bond authorized by section 11-201.".

2. On page 1, lines 20 and 21; page 5, line 7; page 7, lines 13, 16, and 23; and page 8, lines 3 and 5, strike "Gaming Commissioner" and insert "State Gaming Commission".

3. Strike amendment 2 and insert the

following new amendment:

"2. On page 2, strike beginning with 'Charitable' in line 8 through 'Revenue' in line 17, show the old matter as stricken, and insert 'State Gaming Commission. The commission'; and in line 18 after 'the' insert 'Tax Commissioner,'.".

4. On page 7, line 16, after the first period insert:

"Wherever in section 9-1,105 the phrase Charitable Gaming Division of the Department of Revenue or Charitable Gaming Division appears, the Revisor of Statutes shall substitute the phrase State Gaming Commission.

Wherever in Chapter 9 the phrase Department of Revenue or department, referring to the Department of Revenue appears, the Revisor of Statutes shall substitute the phrase State Gaming Commission or commission, as appropriate."; in line 20 after the first comma insert "line 4, strike 'Charitable Gaming Division', show as stricken, and insert 'commission'; in" and strike ", after" and insert "strike"; in line 21 after the first quotation mark insert ", show as stricken, and" and strike "or"; and in line 24 strike "he or" and insert "it".

5. On page 8, line 1, strike "she"; strike beginning with the second "and" in line 5 through "Division" in line 6; and in line 7 strike "Charitable Gaming Division" and insert "State Gaming Commission".

6. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 1090 in the Journal. No objections. So ordered.

AM2757

1. Insert the following new section:

"Sec. 18. That section 79-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1004. The members of the board of education at their regular meeting in January ~~succeeding their election~~ each year shall elect a president and vice president from their own members, who shall serve for ~~the term~~ terms of one year or until their successors are elected and qualified. They may also select ~~elect at any regular meeting prior to April 1,~~ from outside their own members~~,~~ one superintendent of public schools, one secretary, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for ~~a term~~ terms of not to exceed three years. ~~Annual contracts with employees other than teachers shall be entered into, on or before April 15. The election of such officers of the board, teachers, and janitors shall be by ballot and no person shall be declared elected unless he receives a vote of a majority of all the members of the board~~ The board shall have the power to elect its president and vice president and to select its officers and employees in accordance with rules adopted by the board.”.

2. On page 53, line 8, after the second comma insert “79-1004,”.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Korshoj, Withem, Coordsen, and Mrs. Smith asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2663

1. On page 63, line 17, before “Program” insert “(1)”; and after line 23 insert the following new subsections:

“(2) Program No. 300 - Scholarship Assistance Program

	FY1989-90	FY1990-91
GENERAL FUND	-0-	125,000
PROGRAM TOTAL	-0-	125,000

No expenditures for personal services shall be made from funds appropriated to this program.

(3) Program No. 301 - State Scholarship Award Program

	FY1989-90	FY1990-91
GENERAL FUND	-0-	125,000
PROGRAM TOTAL	-0-	125,000

No expenditures for personal services shall be made from funds appropriated to this program.".

Ms. Scofield asked unanimous consent to print the following amendment to LB 662A in the Journal. No objections. So ordered.

AM2738

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $160,000 from the General Fund for FY1990-91 and (2) $160,000 from the General Fund for FY1991-92, to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 662, Ninety-first Legislature, Second Session, 1990.

Sec. 2. There is hereby appropriated (1) $290,000 from the General Fund for FY1990-91 and (2) $290,000 from the General Fund for FY1991-92, to the University of Nebraska-Lincoln, for Program 711, to aid in carrying out the provisions of Legislative Bill 662, Ninety-first Legislature, Second Session, 1990.

Sec. 3. There is hereby appropriated (1) $47,330 from the General Fund for FY1990-91 and (2) $44,287 from the General Fund for FY1991-92, to the Governor's Policy Research Office, for Program 112, to aid in carrying out the provisions of Legislative Bill 662, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $12,711 for FY1990-91 or $13,385 for FY1991-92.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 315 in the Journal. No objections. So ordered.

AM2748

(Amendments to AM2508)

1. On page 2, line 11, after the period insert "An individual shall not be disqualified for benefits pursuant to this subdivision for the refusal of the lawful directive of an employer to provide a body fluid sample or breath sample as provided in section 48-1903 or the use or possession of a controlled substance as defined in section 28-405 if the employer does not provide health insurance coverage for drug or

alcohol treatment for the employee or the employer does not provide funding to pay for such treatment for the employee.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1090A. Introduced by Bernard-Stevens, 42nd District; Baack, 47th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1090, Ninety-first Legislature, Second Session, 1990.

STANDING COMMITTEE REPORTS
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments, during the 1989 Special Session, listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Duane Liebsack - Environmental Control Council
Barbara Jo Bierman Batie - Environmental Control Council

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, Smith, and Weihing. Absent: Senators R. Johnson and Morrissey.

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Randall K. Stinnette - Game and Parks Commission

VOTE: Aye: Senators Schmit, Lamb, Beck, Elmer, Smith, and Weihing. Absent: Senators R. Johnson and Morrissey.

(Signed) Loran Schmit, Chairperson

VISITORS

Visitors to the Chamber were eight students and sponsor from Milligan High School; and Don and Marilyn Robson from York.

ADJOURNMENT

At 4:04 p.m., on a motion by Mr. Elmer, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 1, 1990

LEGISLATIVE JOURNAL

THIRTY-SEVENTH DAY - MARCH 1, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 1, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Jesse Zornes, Lincoln Church of God, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Withem, and Ms. Schimek who were excused; and Messrs. Abboud, Bernard-Stevens, Elmer, Goodrich, Haberman, Hall, Kristensen, Landis, Lindsay, Warner, Mmes. Nelson, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 90017

DATE:	February 28, 1990
SUBJECT:	The authority of the Wheat Board in promoting the development of markets for wheat.

REQUESTED BY: Senator Loran Schmit

WRITTEN BY: Robert M. Spire, Attorney General
Bernard L. Packett, Assistant Attorney General

This is in response to your inquiry concerning the authority of the Nebraska Wheat Development, Utilization, and Marketing Board with regard to the promotion and development of markets which might benefit wheat grown outside of Nebraska.

The authority of the Board is contained in § 2-2309 (Reissue 1987) which provides that the Board shall have the power to:

> (1) Formulate the general policies and programs of the State of Nebraska respecting the discovery, promotion, and development of markets and industries for the utilization of wheat grown within the State of Nebraska.

Section 2-2309 also provides that the Board has the power to:

> (5) Conduct, in addition to the things enumerated, any other program for the development, utilization and marketing of wheat grown in the State of Nebraska * * *.

These two provisions in and of themselves clearly give the Wheat Board authority for the development of markets only for Wheat grown with the State.

You have also asked if the Board may enter into market development contracts which promote increased wheat utilization to U.S. consumers if the increased wheat utilization actually comes from wheat grown in states other than Nebraska.

In this regard, we call to your attention that part of § 2-2309 which gives the Wheat Board power to:

> (3) Cooperate with local, state, or national organizations, whether public or private, in carrying out the purposes of the Nebraska Wheat Resources Act and to enter into such contracts as may be necessary.

Although, there is no legislative history upon which we could rely as to the intention of the legislature in adopting this provision, we have no quarrel with the provision to the extent that it permits the Wheat Board to cooperate or enter into contracts with local (Nebraska) or State (Nebraska) governmental or public entities. However, to the extent that this provision was intended to authorize the Wheat Board to cooperate or enter into contracts with other states, or private state or national organizations, there are some constitutional questions which might be raised.

With regard to the provision of the law which would give the Wheat Board the power to cooperate or contract with another state, or agency of another state, we call your attention to the last paragraph of Article I of the Constitution of the United States which provides in part:

> No state shall, without the consent of congress, * * * enter into any agreement or compact with another state, * * *.

Although some leeway is given in one state contracting with another we are unable to say with any degree of certainty whether or not the Wheat Board would be in violation of the above provision of the United States Constitution without examining the specific language of a proposed contract.

The same is true with regard to contracts between the Wheat Board and private, state or national organizations, considering the language of Article XIII, Section 3 of the Nebraska Constitution, which provides that "the credit of the State shall never be given or loaned in aid of any individual, association, or cooperation * * *." In this regard we would be unable to give an opinion of the validity of such a contract without examining the specific language of the contract.

Aside from the constitutional questions that might be raised regarding contracts entered into by the Wheat Board, the Legislature has given the Board a great deal of leeway in contracting for the development of policies and programs respecting the discovery, promotion, and development of markets and industries for the utilization of wheat grown in Nebraska. There is no limitation placed upon the authority of the Board, even though there may be an incidental benefit to wheat grown in other states and to classes of wheat not grown in Nebraska. Within the limits placed upon the Board to contract by the the provisions of either the United States or Nebraska Constitution, the Board is free to establish or take part in programs which, in its best judgment, will assist policies and programs that would increase the utilization of Nebraska grown wheat.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

22-46-6.12

RESOLUTION

LEGISLATIVE RESOLUTION 263. Introduced by Conway, 17th District.

WHEREAS, the town of Dixon was platted by an engineer for the railroad in 1890 who, being homesick for his home in Dixon, Illinois, chose that name for the community. The town of Dixon was incorporated in 1893 with a population of 250; and

WHEREAS, Dixon seemed to be a gathering of people of Irish descent; therefor the name the fighting Irish came about; and

WHEREAS, in the early days of the community people gathered to organize a Sunday school for the children in a one-room schoolhouse a mile east of town, a heated discussion took place over the suggestion that the schoolhouse be moved to town, and several nights later the schoolhouse mysteriously appeared in town. (the building is still in use as a residence); and

WHEREAS, on August 15, 1890, a picnic dinner was held by the Catholic parishioners after Mass, and in the afternoon ball games were played with the whole community joining in the festivities. The tradition stuck and is claimed to be the oldest harvest festival in Nebraska. As the event developed more activities were added, and for many years a special train would run from Sioux City, Iowa, to Dixon to accommodate the crowds. The event is still held, not always on August 15, but always enjoyed by all;

WHEREAS, the railroad is still a major factor in the operation of the local elevator, and other current businesses include a United States Post Office, apiary, bar and grill, service station, used car and repair shop, gun repair and taxidermy, and salvage; and

WHEREAS, St. Ann's Catholic Church and the United Methodist Church continue to serve the community and surrounding area; and

WHEREAS, other advantages include the less-hurried life of small-town living; and

WHEREAS, the Dixon centennial celebration will be held August 12, 1990, and will include the high school alumni reunion, parade, barbecue, style show, square dance, antique display, and quilt show and for which a history book and centennial quilt are being made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the citizens of Dixon, Nebraska, as they celebrate the town's centennial.
2. That a copy of this resolution be sent to the town of Dixon, Nebraska, in care of Velma F. Dennis, Centennial Chairperson.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 261.

SELECT FILE

LEGISLATIVE BILL 163. The pending Hefner amendment (2), AM2141, found in the Journal on page 599 and considered on page 851, was renewed.

Messrs. Schellpeper and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Beyer
Elmer
Hefner
Johnson, L.
Landis
Peterson
Pirsch
Schmit
Wesely

Voting in the negative, 20:

Baack
Byars
Chizek
Coordsen
Crosby
Dierks
Goodrich
Johnson, R.
Korshoj
Labedz
Lamb
Lynch
Moore
Morrissey
Nelson
Robak
Rogers
Smith
Wehrbein
Weihing

Present and not voting, 9:

Ashford
Beck
Bernard-Stevens
Chambers
Conway
Hannibal
Hartnett
Langford
McFarland

Excused and not voting, 11:

Abboud
Barrett
Haberman
Hall
Kristensen
Lindsay
Schellpeper
Schimek
Scofield
Warner
Withem

The Hefner amendment lost with 9 ayes, 20 nays, 9 present and not voting, and 11 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner withdrew his pending amendment (3), AM2147, found in the Journal on page 599.

Mr. Moore withdrew the pending Schimek amendments, AM2124, found in the Journal on page 600 and AM2450, found in the Journal on page 718.

Mr. Moore withdrew his pending amendment, AM2365, found in the Journal on page 626.

Mrs. Beck withdrew her pending amendment, AM2446, found in the Journal on page 703.

Mrs. Beck renewed her pending amendment, AM2490, found in the Journal on page 777.

Messrs. Hefner, Schmit, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MR. HANNIBAL PRESIDING

Mrs. Beck moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Beck requested a roll call vote on her amendment.

Voting in the affirmative, 21:

Ashford
Beck
Beyer
Crosby
Dierks
Elmer
Goodrich
Hannibal
Johnson, L.
Johnson, R.
Labedz
Landis
Langford
McFarland
Peterson
Pirsch
Scofield
Smith
Warner
Wehrbein
Wesely

Voting in the negative, 15:

Baack

Bernard-Stevens	Hartnett	Lamb	Moore	Robak
	Korshoj	Lindsay	Morrissey	Rogers
Conway	Kristensen	Lynch	Nelson	Weihing

Present and not voting, 3:

Byars	Chambers	Chizek

Excused and not voting, 10:

Abboud	Coordsen	Hall	Schellpeper	Schmit
Barrett	Haberman	Hefner	Schimek	Withem

The Beck amendment lost with 21 ayes, 15 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to replace his pending amendment, AM2471, found in the Journal on page 750, with a substitute amendment. No objections. So ordered.

Mr. R. Johnson withdrew his pending amendment, AM2471, found in the Journal on page 750.

Mr. R. Johnson offered the following substitute amendment:
AM2755

1. Strike the Morrissey amendment, AM2314, and all amendments thereto.

2. In the Rod Johnson amendment, AM2268, on page 4 strike beginning with the second "in" in line 8 through the semicolon in line 10.

3. Insert the following new sections:

"Sec. 9. The Department of Environmental Control, with the advice and consent of the Environmental Control Council, shall contract for the preparation of a comprehensive solid waste management plan. Such plan shall be contracted for and prepared within one year after the effective date of this act.

It is the intent of the Legislature that in preparation of the plan the state consider the following hierarchy of criteria: (1) Volume reduction at the source; (2) recycling, reuse, and vegetative waste composting; (3) incineration with energy resource recovery; (4) incineration for volume reduction; and (5) land disposal.

It is the intent of the Legislature that the plan be used as a guide to assist political subdivisions in the planning and implementation of their individual, joint, or regional solid waste management systems. The state plan shall not supersede or impair plans, agreements, or contracts initiated by political subdivisions prior to the effective date of this act.

The Environmental Control Council shall adopt and promulgate rules and regulations for solid waste management options which comply with Environmental Protection Agency rules and guidelines, including rules and guidelines promulgated pursuant to the 1984 hazardous and Solid Waste Amendments to Subtitle D of the Federal Resource Recovery and Conservation Act of 1976 as amended, 42 U.S.C. 6901 et seq.

Sec. 10. There is hereby appropriated five hundred thousand dollars from the General Fund for FY1990-91 and five hundred thousand dollars from the General Fund for FY1991-92, to the Department of Environmental Control, to prepare and implement the plan prescribed in section 9 of this act.".

2. On page 10, line 3, strike "a sales volume" and insert "retail sales of tangible personal property, which sales are subject to the tax imposed by the Nebraska Revenue Act of 1967,"; and in line 6 strike "a sales volume" and insert "retail sales of tangible personal property subject to such tax".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Moore offered the following amendment to the pending R. Johnson amendment:
AM2772

(Amendments to AM2755)

1. Insert the following new sections:

"Sec. 3. There is hereby created within the Legislative Council a committee to direct and oversee the formulation of a State Comprehensive Solid Waste Management Plan. The committee shall provide technical assistance and serve as a clearinghouse for efforts to formulate the State Comprehensive Solid Waste Management Plan and serve as a liaison among the Department of Environmental Control, political subdivisions, other governmental agencies, and private entities. The committee shall consist of:

(1) Five members of the Legislature, to be appointed by the Executive Board of the Legislative Council within fifteen days after the effective date of this act. One such member shall, at the time the appointment is made, be a member of the Agriculture Committee, one the Appropriations Committee, one the Business and Labor Committee, one the Natural Resources Committee, and one the Urban Affairs Committee;

(2) One representative from the Department of Energy, to be appointed by the Director of Energy;

(3) One representative from the Department of Environmental Control, to be appointed by the Director of Environmental Control;

(4) One representative from the Department of Health, to be appointed by the Director of Health;

(5) One representative from the Nebraska Association of County Officials, to be appointed by the members of the board of directors of the association;

(6) One representative from the League of Municipalities, to be appointed by the members of the board of directors of the league;

(7) One representative from the Nebraska Association of Resource Districts, to be appointed by the members of the board of directors of the association; and

(8) One representative from each of the following groups: Environmental; recycling; business; labor; and medicine, to be appointed by the members of the committee appointed pursuant to subdivisions (1) through (7) of this section. The appointments shall be made within thirty days after the effective date of this act. Any vacancy shall be filled by the appointing body or official for the remainder of the term. The member of the committee serving on the Appropriations Committee of the Legislature shall serve as chairperson of the committee created pursuant to this section until the members of the committee elect a chairperson and vice-chairperson from among themselves.

The committee may utilize the staff of the Legislative Fiscal Analyst and the Legislature to assist it in carrying out its duties under sections 2 to 8 of this act. Members of the committee shall be reimbursed for their actual and necessary expenses as provided in section 81-1174 to 81-1177.

Sec. 4. The committee created pursuant to section 3 of this act and any advisory body it may create shall cease to exist on January 1, 1992.".

2. On page 1, strike beginning with "The" in line 7 through line 12 and insert "The committee created pursuant to section 3 of this act shall formulate a state comprehensive solid waste management plan. The committee shall select and the Legislative Council shall contract with an individual, entity, or organization to assist in formulating the plan."; in line 14 strike "state" and insert "committee"; and in line 20 after the last "the" insert "state".

3. On page 2, lines 17 and 18 strike "Department of Environmental Control" and insert "Legislative Council".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Moore moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Byars requested a roll call vote on the Moore amendment.

Voting in the affirmative, 11:

Bernard-Stevens
Crosby
Elmer
Hannibal
Hartnett
Johnson, L.
Korshoj
Lamb
Moore
Morrissey
Nelson

Voting in the negative, 15:

Ashford
Baack
Beck
Byars
Johnson, R.
Kristensen
Landis
Langford
Lindsay
Lynch
Pirsch
Scofield
Smith
Wehrbein
Wesely

Present and not voting, 12:

Beyer
Chambers
Chizek
Conway
Dierks

Goodrich
Haberman
Labedz
McFarland
Peterson
Rogers
Weihing

Absent and not voting, 1:

Warner

Excused and not voting, 10:

Abboud
Barrett
Coordsen
Hall
Hefner
Robak
Schellpeper
Schimek
Schmit
Withem

The Moore amendment lost with 11 ayes, 15 nays, 12 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

The R. Johnson amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Schimek amendment, AM2485, found in the Journal on page 751, was withdrawn.

Mr. Morrissey offered the following amendment:
AM2766

1. Insert the following new section:

"Sec. 10. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining sections and correct internal references accordingly.

The Morrissey amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Moore moved to reconsider the Beck amendment, AM2490, to LB 163.

PRESIDENT NICHOL PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Moore requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 21:

Ashford
Baack
Beck
Bernard-Stevens
Beyer
Byars
Crosby
Dierks
Elmer
Goodrich
Hefner
Johnson, L.
Lamb
Langford
McFarland
Moore
Peterson
Pirsch
Schellpeper
Smith
Wehrbein

Voting in the negative, 7:

Hartnett
Korshoj
Landis
Lindsay
Morrissey
Nelson
Weihing

Present and not voting, 11:

Chambers
Chizek
Conway
Haberman
Hannibal
Johnson, R.
Kristensen
Labedz
Rogers
Scofield
Wesely

Absent and not voting, 1:

Warner

Excused and not voting, 9:

Abboud
Barrett
Coordsen
Hall
Lynch
Robak
Schimek
Schmit
Withem

The Moore motion to reconsider lost with 21 ayes, 7 nays, 11 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 163A. Mr. Moore withdrew the pending Schimek amendment, AM2408, found in the Journal on page 781.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 579, 830, 831, 834, 888, 917, 932, 938, 946, 954, 978, 987, 987A, 994, 994A, 1037, 1067, 1077, 1102, and 1178.

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2753

1. Strike original section 1 and insert the following new section:

"Section 1. (1) No person shall purchase, lease, rent, or receive transfer of any handgun until such person has obtained a registration permit in accordance with this section. No person shall sell, lease, rent, or transfer a handgun to any person who has not obtained a registration permit in accordance with this section.

(2) Any person desiring to purchase, lease, rent, or receive transfer of a handgun shall apply with the chief law enforcement officer of the applicant's place of residence for a registration permit. To be eligible for a permit, an applicant shall be a citizen of the United States, shall be twenty-one years of age

or older, and shall never have been convicted of a felony. The application shall also include inquiry as to any record of mental disorder or convictions of misdemeanors of the applicant and as to the purpose of the applicant for acquiring the handgun. The application and registration permit shall be made on forms approved by the Superintendent of Law Enforcement and Public Safety.

(3) Upon the filing of an application for a registration permit, the chief law enforcement officer of the applicant's place of residence shall issue a registration permit or deny a registration permit and furnish the applicant the specific reasons for the denial in writing. Failure to furnish the applicant a written denial shall constitute issuance of a registration permit. The chief law enforcement officer shall be permitted two days in which to conduct an investigation in order to determine the truth or falsity of the information supplied in the application. If it is determined that receipt or possession of the handgun by the applicant would be in violation of an applicable federal, state, or local law, the chief law enforcement officer shall deny the application. A registration permit shall be valid only for the transfer of one specific handgun unless the applicant attests that the permit is for use at a gun show, in which case the chief law enforcement officer may issue a permit for the purchase of any handgun which must be returned to the chief law enforcement officer and registered within seven days of issuance of the permit.

(4) Any person whose application for a registration permit is denied may appeal within ten days of receipt of the denial to the county court of the county of the applicant's place of residence. The applicant shall file the specific reasons for the denial by the chief law enforcement officer and a filing fee of ten dollars. The court shall issue its decision within thirty days of the filing of the appeal.

(5) Nothing in this section shall be construed to affect transfers to licensed firearms importers or dealers for bona fide resale in the ordinary course of business or to official government law enforcement or armed services agencies or transfers of any antique handgun or pistol.

(6) Any person who willfully provides false information on an application form or who willfully violates the provisions of this section shall upon conviction be guilty of a Class IV felony. As a part of the judgment of conviction, the court may order the confiscation of the handgun.

(7) Any city or village ordinances existing on the effective date of this act shall not be preempted by this section.

(8) For purposes of this section:

(a) Antique handgun or pistol shall mean any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 and any replica of such a handgun or pistol if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(b) Handgun shall mean any firearm with a barrel less than twelve inches in length or any firearm designed to be fired by the use of a single hand.".

Mrs. Smith asked unanimous consent to print the following amendment to LB 1222 in the Journal. No objections. So ordered.

AM2741

1. Insert the following new sections:

"Sec. 13. That section 71-1902, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1902. No person shall furnish~~,~~ or offer to furnish~~,~~ child care for two or more children from different families without having in full force and effect a written license issued by the department upon such terms and conditions as may be prescribed by general rules and regulations adopted and promulgated by the department. After the effective date of this act, no license shall be issued pursuant to this section unless the applicant has completed the required hours of training in foster care as prescribed by the department. All licenses issued under sections 71-1901 to 71-1905 shall expire one year from the date of issuance and shall be subject to renewal under the same terms and conditions as the original license. After the effective date of this act, no license issued pursuant to this section shall be renewed unless the licensee has completed the required hours of training in foster care in the preceding twelve months as prescribed by the department. For the issuance or renewal of each license, the department shall charge a fee of twenty-five dollars for group homes, twenty-five dollars for child-caring agencies, and twenty-five dollars for child-placing agencies. A license may be revoked for cause, after notice and hearing, in accordance with ~~such~~ rules and regulations ~~as may be~~ prescribed by the department.

For purposes of this section:

(1) Foster family home shall mean any home which provides twenty-four-hour care to children who are not related to the foster parent by blood or adoption;

(2) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four-hour care for individuals in a residential setting;

(3) Child-caring agency shall mean an organization which is incorporated for the purpose of providing care for children in buildings maintained by the organization for that purpose; and

(4) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.

Sec. 14. That section 71-1904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1904. The department shall ~~make such~~ adopt and promulgate rules and regulations~~, consistent with~~ pursuant to sections 71-1901 to 71-1905~~, as it shall deem necessary~~ for (1) the proper care and protection of children by licensees under ~~said~~ such sections, (2) the issuance, suspension, and revocation of licenses to carry on the business of child care, ~~and~~ (3) the provision of training in foster care, which shall be directly related to the skills necessary to care for children in need of out-of-home care, including, but not limited to, abused, neglected, dependent, and delinquent children, and (4) the proper administration of ~~said~~ such sections. The training required by subdivision (3) of this section shall be between twelve and twenty-four hours as determined by the department.

Sec. 15. Funds of the department may be used to defray the reasonable expenses incurred in the recruitment, training, and recognition of foster care providers and volunteers, including expenses incurred for community forums, public information sessions, and similar administrative functions.".

2. On page 20, line 1, strike "and" and after the last comma insert "and 71-1904,"; and in line 2 after the second comma insert "section 71-1902, Revised Statutes Supplement, 1988,".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 989. Placed on General File.

(Signed) Dennis Baack, Chairperson

VISITORS

Visitors to the Chamber were Richard Bean and Mary Yonkers from Omaha; Dr. Ed Leiman and T. O. Haas from Lincoln; 52 eighth grade students and teacher from Cathedral of the Risen Christ, Lincoln; Russ and Jeri Kumm from Stanton; and Senator Kristensen's parents, Don and Mary Lou Kristensen.

RECESS

At 11:48 a.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Withem, and Ms. Schimek who were excused; and Messrs. Ashford, Bernard-Stevens, Chambers, Haberman, Hall, Hannibal, L. Johnson, Lynch, McFarland, Moore, Schmit, Warner, and Mrs. Robak who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 662. E & R amendment, AM7099, found in the Journal on page 405 for the Tenth Day, was adopted.

Ms. Scofield renewed her pending amendment, AM2211, found in the Journal on page 502.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Scofield amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM2294, found in the Journal on page 545.

The Labedz amendment was adopted with 25 ayes, 7 nays, 5 present and not voting, and 12 excused and not voting.

Ms. Scofield renewed her pending amendment, AM2331, found in the Journal on page 575.

The Scofield amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mrs. Smith withdrew her pending amendment, AM2461, found in the Journal on page 789.

Mr. Wesely renewed his pending amendment, AM2556, found in the Journal on page 879.

The Wesely amendment was adopted with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield renewed her pending amendment, AM2690, found in the Journal on page 1006.

The Scofield amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Labedz withdrew her pending amendments, AM2710, found in the Journal on page 1046 and AM2712, found in the Journal on page 1047.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 662A. Ms. Scofield renewed her pending amendment, AM2738, found in the Journal on page 1059.

The Scofield amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Thursday, March 8, 1990 1:30 p.m.
Lance Paulsen - Environmental Control Council

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 1080 in the Journal. No objections. So ordered.

AM2765

1. Insert the following new sections:

“Section 1. That section 71-1,258, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1,258. (1) A person shall be qualified to be a certified master social worker if he or she (a) has a doctorate or a master’s degree in social work from an approved educational program, (b) has had a minimum of at least three thousand hours of experience, in addition to the master's or doctorate degree, in social work under the supervision of a certified master social worker, (c) provides evidence to the board that he or she meets the requirements of subdivisions (1)(a) and (1)(b) of this section, and (d) satisfactorily passes an examination approved by the board. The department, upon the recommendation of the board, may adopt and promulgate rules and regulations defining the experience required under subdivision (1)(b) of this section.

(2) A person shall be qualified to be a certified social worker if he or she:

(a) Provides evidence to the board that he or she has a baccalaureate or master's degree in social work:

(i) ~~from~~ From an approved educational program; or

(ii) ~~from~~ From any program of social work education and training in which the person was enrolled between July 17, 1983, and October 1, 1987, if the person applies to the department for a certificate by October 1, 1990;

(b) Applies to the department for a certificate by October 1, 1991, and provides evidence to the board that he or she:

(i) Has a baccalaureate or master's degree in a field related to social work, such as, psychology, sociology, gerontology, human services, human development, family relations, or counseling; and

(ii) Has been actually engaged in the practice of social work for at least one thousand hours in a nursing home; or

(c) Applies to the department for a certificate by October 1, 1991, and provides evidence to the board that he or she has been actually engaged in the practice of social work in a nursing home at least twenty hours per week for at least three of the seven years prior to making such application. For purposes of this subsection, actually engaged in the practice of social work may include services and activities provided under the direct supervision of a person with at least a master's degree in social work from an approved educational program or services and activities which are classified by title or description of duties and responsibilities as social work practice. ~~, and (b) provides evidence to the board of his or her professional education.~~

Sec. 2. That section 71-1,260, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1,260. (1) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified master social work, a certificate to practice as a certified master social worker shall be issued without examination to any applicant who (a) applies to the department for a certificate by October 1, 1987, (b) satisfies the board that he or she has had at least three thousand hours of experience in the practice of social work~~;~~ in addition to the master's or doctorate degree, and (c) satisfies the educational requirements established in subsection (1) of section 71-1,258.

(2) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified social work, a certificate to practice as a certified social worker shall be issued to any applicant who (a) applies to the department for a certificate ~~by October 1, 1987,~~ and satisfies the educational requirements of ~~subsection~~ subdivision (2)(a) of section 71-1,258 ~~on July 17, 1986,~~ or (b) applies to the department for a certificate by October 1, 1991, and satisfies the educational and practice requirements of subdivision (2)(b) of section 71-1,258 or satisfies the practice requirements of subdivision (2)(c) of section 71-1,258. ~~provides evidence to the board that he or she has been actually engaged in the practice of social work at least twenty hours per week for at least three of the seven years prior to July 17, 1986. For purposes of this subsection, actual engagement in the practice of social work may include (i) services and activities provided under the direct supervision of a person with at least a master's degree in social work from an approved educational program, (ii) services and activities for which a baccalaureate degree in social work or in a~~

~~related field of study is required, or (iii) services and activities which are classified by title or description of duties and responsibilities as social work practice.~~ An applicant shall submit all materials, as the board or department may require, to determine his or her qualifications for a certificate to practice as a certified social worker and to determine his or her compliance with the requirements of this subsection. Failure to comply with these provisions shall be sufficient grounds to reject an application for a certificate to practice as a certified social worker under subdivision ~~(2)(b)~~ (b) of this ~~section~~ subsection.".

2. On page 2, line 5; and page 7, line 2, strike "2" and insert "4".
3. On page 25, line 1, after "sections" insert "71-1,258, 71-1,260,".
4. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 159. E & R amendment, AM7111, found in the Journal on page 470 for the Thirteenth Day, was adopted.

Mr. Kristensen renewed his pending amendment (1), AM2285, found in the Journal on page 755.

Mr. Kristensen withdrew his pending amendment.

Mr. Kristensen withdrew his pending amendments, AM2480, AM2481, AM2465, and AM2229, found in the Journal on pages 755 through 758; AM2491, found in the Journal on page 773; and AM2550, found in the Journal on page 830.

Messrs. McFarland and Moore moved to suspend the rules, Rule 7 Section 3(d) to permit consideration of AM2778.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. McFarland moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. McFarland requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 17:

Abboud
Ashford
Beck
Byars
Chizek
Crosby
Goodrich
Hartnett
Hefner
Johnson, R.
Labedz
Landis
Lindsay
McFarland
Moore
Nelson
Wesely

Voting in the negative, 24:

Baack
Bernard-Stevens
Beyer
Chambers
Conway
Coordsen
Haberman
Hannibal
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Morrissey
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing

Present and not voting, 2:

Dierks
Elmer

Excused and not voting, 6:

Barrett
Hall
Lynch
Schimek
Schmit
Withem

The McFarland-Moore motion to suspend the rules lost with 17 ayes, 24 nays. 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved to suspend the rules to require that LB 159 be voted upon on Select File without any consideration of any further amendments or any other motions.

Mr. McFarland withdrew his motion to suspend the rules.

Mr. Moore moved to indefinitely postpone LB 159.

Laid over.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 520. E & R amendment, AM7113, found in the Journal on page 560 for the Eighteenth Day, was adopted.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schellpeper renewed his pending amendment, AM2415, found in the Journal on page 774.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

MR. HANNIBAL PRESIDING

Mr. Schellpeper offered the following amendment:
AM2673

(Amendments to AM2415)

1. On page 1, line 15, after "each" insert "institution which has an".

2. On page 2, line 20, after "scholarships" insert ", based on the criteria specified in subsections (1) and (2) of this section,".

The Schellpeper amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 520A. E & R amendment, AM7112, found in the Journal on page 561 for the Eighteenth Day, was adopted.

Mr. Schellpeper renewed his pending amendment, AM2362, found in the Journal on page 665.

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 369. E & R amendment, AM7122, found in the Journal on page 659 for the Twenty-Second Day, was adopted.

Mr. Elmer renewed his pending amendment, AM2376, found in the Journal on page 632.

The Elmer amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. Smith offered the following amendment:
AM2389

(Amendments to AM2221)

1. Insert the following new sections:

"Sec. 6. That section 60-4,122, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114. The director may accept currently valid school transportation vehicle operators' permits issued pursuant to section 79-488.06 in lieu of reexamination for renewal of the operators' licenses of the holders of such permits.

(2) Any person who renews his or her Class O or Class M license shall appear before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114, except that such person shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle, as provided in subdivision (2) of such section, only at the discretion of the examiner.

(3) Any person who renews his or her Class O or Class M license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-4,114 if he or she presents to the examiner an abstract of his or her

driving record which shows that such person has had no traffic violations as described in section 39-669.26 from the date the operator's license was last issued to the date the abstract was issued. A person may apply for and receive an abstract of his or her driving record from the Department of Motor Vehicles using the procedure prescribed in section 60-483. For purposes of this section, no abstract shall be used if issued more than ninety-five days prior to the expiration of such person's operator's license.

(4) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in section 60-484.

Sec. 7. That section 60-4,127, Revised Statutes Supplement, 1989, be amended to read as follows:

60-4,127. No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under section 60-4,118 for operation of a motor vehicle and (2) successfully completed ~~such~~ an examination, including the actual operation of a motorcycle, ~~as may be~~ prescribed by the director, except that an examiner ~~may~~ shall waive the ~~requirement of~~ required examination, including the actual operation of a motorcycle, if the applicant ~~has successfully completed an approved basic or advanced~~ presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately preceding forty-eight months or presents an abstract of his or her driving record pursuant to section 60-4,122 which shows that the applicant has had no traffic violations as described in section 39-669.26 from the date the applicant's operator's license was last issued to the date the abstract was issued.

Any applicant who qualifies for a Class M license shall be issued a license for such operation by the county treasurer with a color photograph affixed as provided for the issuance of an operator's license, or if he or she is the holder of an operator's license, the county treasurer shall, upon receipt of the examiner's certificate, endorse on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be the same as provided by section 60-4,115 for operators' licenses.

Sec. 8. That section 60-2138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2138. The department may expend any amount remaining in the fund, after apportionment is made in accordance with subdivisions (1) to (5) of section 60-2133, for development, acquisition, printing, and distribution of materials which promote motorcycle safety and motorcycle awareness, including the motorcycle safety courses, except that the amount expended to promote motorcycle safety and motorcycle awareness shall not exceed fifteen percent of the total amount placed in the fund each fiscal year. The promotional materials may include brochures, posters, and booklets but shall not include billboards or radio or television promotion.

Sec. 9. Sections 6, 7, and 10 of this act shall become operative September 1, 1990. The other sections of this act shall become operative on their effective date.

Sec. 10. That original sections 60-4,122 and 60-4,127, Revised Statutes Supplement, 1989, are repealed.".

2. On page 32, line 11, strike "and" and after the last comma insert "and 60-2138,".

3. Renumber the remaining section accordingly.

Mr. McFarland requested a ruling of the Chair on whether the Smith amendment is germane to the bill.

The Chair ruled the Smith amendment is not germane to the bill.

Mr. McFarland moved to suspend the germaneness rule 7 §3(D) for consideration of AM2389.

The McFarland motion to suspend the rules prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The Smith amendment, AM2389, found in this day's Journal, was considered.

The Smith amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Lamb withdrew his pending amendment, AM2447, found in the Journal on page 708.

Mr. Beyer renewed his pending amendment, AM2452, printed separately from the Journal and referred to on page 717.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beyer renewed his pending amendment, AM2477, found in the Journal on page 746, to his pending amendment.

The Beyer amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment to the pending Beyer amendment:
FA386
to amend the Beyer amendment, AM2452 by striking Section 13.

Mr. Warner withdrew his pending amendment.

Mr. Warner requested a division of the question on the Beyer amendment, AM2452.

The Chair sustained the division of the question.

The first Beyer amendment is as follows:
FA387

(Amendments to AM2221)

1. Insert the following new sections:

"Sec. 5. That section 60-102, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

60-102. Sections 60-102 to 60-117 shall apply to motor vehicles, commercial trailers, and semitrailers required to be registered under sections 60-301 to 60-306 and all cabin trailers defined in subdivision (9) of section 39-602 whether or not any such cabin trailer is required to be registered under sections 60-301 to 60-306.

Sections 60-102 to 60-117 shall not apply to (1) foreign trucks and buses required to pay registration fees under sections 60-301 to 60-306, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under 60-305.09, (2) trailers of farmers or ranchers used wholly and exclusively to carry supplies to the owner's farm or ranch, used by the farmer or rancher to carry his or her own products to storage or market, or used by farmers or ranchers for such hauling of such supplies or products in exchange of services, and (3) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, backhoes, bulldozers, and front-end loaders.

Sec. 6. That section 60-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-104. No person, except as provided in section 60-103, shall sell or otherwise dispose of a motor vehicle, commercial trailer, semitrailer, or cabin trailer without delivering to the purchaser or transferee ~~thereof~~ of such vehicle or trailer a certificate of title with such assignment thereon as may be necessary to show title in the purchaser, nor purchase or otherwise acquire or bring into this state a motor vehicle, commercial trailer, semitrailer, or cabin trailer except for temporary use. No purchaser or transferee shall receive a certificate of title which does not contain such assignment as may be necessary to show title in the purchaser or transferee, and possession of a title which does not meet this requirement shall be prima facie evidence of a violation of this provision~~;~~ and such purchaser or transferee, upon conviction, shall be subject to the penalties provided by section 60-117. No motor vehicle, commercial trailer, semitrailer, or cabin trailer shall be eligible for initial registration in this state, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-305.09, unless ~~the provisions of this act~~ sections 60-102 to 60-117 have been complied with insofar as ~~said~~ the motor vehicle, commercial trailer, semitrailer, or cabin trailer ~~are~~ is concerned.

Sec. 7. That section 60-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-106. (1) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. All applications shall be accompanied by the fee prescribed in section 60-115.

(2)(a) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1240. (b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated. ~~All applications shall be accompanied by the fee prescribed in section 60-115. If the applicant intends to register the motor~~ (c) All applicants registering a vehicle pursuant to section 60-305.09~~, the application~~ shall ~~be made to~~ file the application for title to the vehicle with the Department of Motor Vehicles. The department shall deliver the certificate to the applicant if there are no liens on the ~~motor~~ vehicle. If there are any liens on the ~~motor~~ vehicle, the department shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the department shall be issued in the manner prescribed for the county clerk in section 60-107.

(3) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be

accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state, the application, unless otherwise provided for in such sections, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the ~~other~~ state from which the motor vehicle was brought into this state does not have a certificate of title law. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(4) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(5) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that for titles to be held by husband and wife, applications may be accepted by the clerk upon the signature of either one as a signature for himself or herself and as agent for his or her spouse.

(6) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within fifteen days after the delivery of such motor vehicles, commercial trailers, semitrailers, or cabin trailers. Licensed dealers need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of ~~the same, they~~ such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the

transferee a reassignment of the certificate of title on such motor vehicle, commercial trailer, semitrailer, or cabin trailer or an assignment of a manufacturer's or importer's certificate.

(7) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, or a United States Government Certificate of Release of a motor vehicle, or (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09. The statement shall be furnished by the county sheriff of the county in which application is made or by any other holder of a current certificate of training and shall be in a format as determined by the Department of Motor Vehicles. The clerk may accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection~~,~~ a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical or if there is reason to believe further inspection is necessary, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification

inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the ~~Attorney General's~~ office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

Sec. 8. (1) Upon application and payment of the fees required pursuant to this section and section 60-305.09, the Department of Motor Vehicles shall issue to the owner of any fleet of apportionable commercial vehicles with a base registration in Nebraska a permanent license plate for each trailer and semitrailer in the fleet. The application shall be accompanied by a fee of six dollars per trailer or semitrailer. The application shall be on a form developed by the department.

(2) Any plate issued pursuant to this section shall remain affixed to the trailer or semitrailer as long as the trailer or semitrailer is registered pursuant to section 60-305.09 by the owner making the original application pursuant to subsection (1) of this section. Upon transfer of ownership of the trailer or semitrailer or transfer of ownership of the fleet or at any time the trailer or semitrailer is no longer registered pursuant to section 60-305.09, the plate shall cease to be active.

(3) The renewal fee for each permanent plate issued to the trailer or semitrailer shall be two dollars per plate. The renewal fee shall be assessed and collected in each license year after the year in which the permanent plates are initially issued at the time all other renewal fees are collected pursuant to section 60-305.09 unless a trailer or semitrailer has been deleted from the fleet registration.

(4)(a) If a permanent plate is lost or destroyed, the owner shall submit an affidavit to that effect to the department prior to any deletion of the trailer or semitrailer from the fleet registration. If the trailer or semitrailer is not deleted from the fleet registration, a replacement permanent plate may be issued upon application and payment of a fee of six dollars per trailer or semitrailer. The application for a replacement permanent plate shall be on a form developed by the department.

(b) If the registration certificate for any fleet vehicle is lost or stolen, the department shall collect a fee of one dollar for replacement of such certificate.

(5) If a trailer or semitrailer for which a permanent plate has been issued pursuant to this section is deleted from the fleet registration due to loss of possession by the registrant, the plate shall be returned to the department.

(6) The registrant shall be liable for the full amount of the registration fee due for any trailer or semitrailer not deleted from the fleet registration renewal.

(7) All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Cash Fund.

Sec. 10. That section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-305.03. (1) In case a foreign state or territory is not reciprocal as to license fees on commercial trucks, truck-tractors, semitrailers, trailers, or buses, the owners of such nonresident vehicles from those states or territories ~~will be required to~~ shall pay the same license fees as are charged residents of this state. The owners of all foreign trucks, truck-tractors, semitrailers, trailers, or buses doing intrastate hauling in this state shall ~~be required to~~ pay the same registration fees as those ~~required to be~~ paid by residents of this state unless such vehicles are registered as a part of a fleet in interstate commerce as provided in section 60-305.09.

(2) In order to effect the purposes of subsection (1) of this section and sections 60-305.02 and 60-305.09, ~~subsection (1) of this section, and~~

~~section 60-305.09,~~ the Director of Motor Vehicles shall have the power, duty, and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, including states, districts, territories, or possessions of the United States and foreign countries, states, or provinces, granting to vehicles or owners of vehicles which are properly registered or licensed in such jurisdictions, and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any fees or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state. Such agreements or arrangements shall provide that vehicles registered or licensed in this state when operated upon the highways of such other jurisdictions shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to vehicles from such jurisdictions in this state. Such agreements may be revised or replaced by new agreements from time to time in order to promote greater uniformity among the states. The director may withdraw from any agreement when he or she determines that it ~~shall be~~ is for the best interest of the State of Nebraska upon thirty days' notice.

Notwithstanding any provisions of the Nebraska statutes to the contrary or inconsistent herewith, such agreements may provide, with respect to resident or nonresident fleets of apportionable commercial vehicles which are engaged in interstate and intrastate commerce, that the registrations of such fleets can be apportioned between this state and other states in which such fleets operate in accordance with the method set out in section 60-305.09. A Nebraska-based fleet owner may include trailers and semitrailers in such apportionable fleet by listing them in an application filed pursuant to section 60-305.09, and any trailers or semitrailers so included shall be eligible for permanent license plates issued pursuant to section 8 of this act. The registration procedure required by section 60-305.09 shall be the only such registration required, and when the fees provided ~~for~~ in such section and section 8 of this act, if applicable, have been paid, the trailers and semitrailers listed on the application shall be duly registered as part of such Nebraska-based fleet and shall be considered part of a Nebraska-based fleet for purposes of taxation.

(3) In the absence of an agreement or arrangement with any jurisdiction, the ~~Director of Motor Vehicles~~ director is authorized to examine the laws and requirements of such jurisdiction and to declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles registered in such jurisdiction or to the owners or operators of such vehicles.

When no written agreement or arrangement has been entered into with another jurisdiction or declaration issued pertaining thereto, any vehicle properly registered in such jurisdiction, and for which evidence of compliance is supplied, may be operated in this state and shall receive the same exemptions, benefits, and privileges granted by such other jurisdiction to vehicles registered in this state.

(4) When a trailer or semitrailer has been duly registered in any jurisdiction, including those that are part of a Nebraska-based fleet registered pursuant to section 60-305.09, no additional registration or license fee therefor, except as provided in section 8 of this act, if applicable, shall be required in this state when such trailer or semitrailer is operated in combination with any truck or truck-tractor properly licensed or registered in accordance with sections 60-301, 60-305.03, 60-305.09, and 60-305.10 or agreements, arrangements, or declarations pursuant to such sections.

(5) All agreements, arrangements, declarations, and amendments authorized by sections 60-301, 60-305.03, 60-305.09, and 60-305.10 shall be in writing and shall become effective when filed in the office of the Director of Motor Vehicles.

(6) Agreements or arrangements entered into or declarations issued under the authority of this section may contain provisions denying exemptions, benefits, and privileges granted in such agreements, arrangements, or declarations to any vehicle which is in violation of conditions stated in such agreements, arrangements, or declarations.

(7) Properly registered shall mean a vehicle

licensed or registered in one of the following: (a) The jurisdiction where the person registering the vehicle has his or her legal residence; (b) the jurisdiction in which a commercial vehicle is registered, when the operation in which such vehicle is used has a principal place of business therein~~;~~ and from or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled and the vehicle is assigned to such principal place of business; or (c) the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions or pursuant to a declaration, the person registering the commercial vehicle has licensed the vehicle as required by such jurisdiction.

(8) It shall be unlawful to operate trucks, truck-tractors, semitrailers, trailers, or buses owned by nonresidents who are not in compliance with subsections (1) and (2) of this section and with section 60-305.02 or any agreement executed under the authority granted hereunder.

Sec. 11. That section 60-305.09, Revised Statutes Supplement, 1989, be amended to read as follows:

60-305.09. (1) Any owner engaged in operating a fleet of apportionable vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344, register and license such fleet for operation in this state by filing a sworn statement and the application required by section 8 of this act with the Department of Motor Vehicles. The statement shall be in such form and contain such information as the department ~~shall require~~ requires, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. ~~The application shall be accompanied by payment of the registration fee determined as provided in this section.~~ Upon receipt of such statement and application, the department shall determine the total fee payment which shall be equal to the amount of fees due pursuant to section 8 of this act and the amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in such states, to a fee of thirty-two dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of ~~any additional~~ payment required to be made. Mileage operated in noncontracting reciprocity states by vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska in-state fleet miles.

Temporary authority which ~~shall permit~~ permits the operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the vehicles of his or her fleet, identifying it as a part of an interstate fleet proportionately registered. All fees received as provided in this section shall be ~~credited~~ remitted to the State Treasurer for credit to the International Registration Plan Distributive Fund, which fund is hereby created. Such fund shall be disbursed to carry out the provisions of the International Registration Plan. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 for movement or operation in the State of Nebraska except as provided in section 8 of this act. The proportional registration and licensing provision of this section shall apply to vehicles added to such fleets and operated in this state during the license year except with regard to permanent license plates issued under section 8 of this act.

The right of applicants to proportional

registration under this section shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the Department of Motor Vehicles.

When a nonresident fleet owner has registered his or her vehicles on an apportionment basis, his or her vehicles shall be considered as fully registered for both interstate and intrastate commerce when the state of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each vehicle of a fleet registered by a resident of Nebraska on an apportionment basis shall be considered as fully registered for both interstate and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year shall be determined by the department upon the sworn application of the applicant on forms to be supplied by the department which shall show the operations of the preceding year in other states and estimated operations in Nebraska or, if no operations were conducted the previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration year. Upon request of the department~~,~~ the owner shall make such records available to the department at its office for audit as to accuracy of computation and payments or pay the costs of an audit at the home office of the owner by a duly appointed representative of the department if the office where the records are maintained is not within the State of Nebraska. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be ~~paid~~ remitted by the department ~~into the state treasury, and~~ to the State Treasurer ~~shall~~ for credit ~~such payments~~ to the Interstate Registration Operations Cash Fund. No deficiency shall be assessed ~~nor any~~ and no claim for credit shall be allowed for any license registration year for which records on which the application was made are no longer required to be

maintained.

(4) If ~~it is claimed by the Department of Motor Vehicles that the owner should have paid~~ the department claims that a greater amount of fee is due under this section than was paid, the department shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the department any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the department, the entire matter shall be submitted to the director for his or her final departmental determination thereof. The director shall incorporate his or her determination into a written order. Such order may be appealed to the district court in the manner provided in section 60-4,105, except that the bond shall be filed with the clerk of the district court and shall be a surety bond or a cash bond equal to the amount claimed to be due plus two hundred dollars as security for costs that might be assessed against the owner. A certified copy of the director's order shall be filed in lieu of a transcript. Upon expiration of the time for perfecting an appeal if no appeal is taken or upon final judicial determination if an appeal is taken, the department shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid.

(5) Every applicant who licenses any vehicles under this section and section 8 of this act shall have his or her registration certificates issued only after all fees under such sections are paid and, if applicable, proof has been furnished of payment, in the form prescribed by the ~~Director of Motor Vehicles~~ director as directed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by the Internal Revenue Code, 26 U.S.C. 4481.

(6) In the event of the transfer of ownership of any registered motor vehicle or in the case of loss of possession because of fire or theft or because the motor vehicle was wrecked, junked, or dismantled, its registration shall expire, except that ~~the registered owner, if he or she~~ if the registered owner applies to

the department after such transfer or loss of possession and accompanies the application with the fee of one dollar and fifty cents~~,~~ he or she may have assigned to another motor vehicle the registration identification of the motor vehicle so transferred or lost. If the assigned motor vehicle has a greater gross weight than the transferred or lost motor vehicle, the owner of the assigned motor vehicle shall additionally pay only the registration fee for the increased gross weight for the remaining months of the registration year based on the factors determined by the department in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked, or dismantled, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, if such certificate or certificates or such other evidence of registration is unavailable, then by making an affidavit to the department of such transfer or loss, receive a refund of the registration fee based upon the number of unexpired months remaining in the registration year. No refund shall be allowed for any fees paid under section 8 of this act. When such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered motor vehicle owner.

(8) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because the vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, in the case of the unavailability of such certificate or certificates or such other evidence of registration, then by making an affidavit to the

department of such disablement and removal from service, receive a credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. No credit shall be allowed for any fees paid under section 8 of this act. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

(9) In case of addition to the registered fleet during the registration year, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date of the application for the remaining balance of the registration year. The fee for any permanent license plate issued for such addition pursuant to section 8 of this act shall be the full fee required by such section, regardless of the number of months remaining in the license year.

(10) In lieu of registration under subsections (1) to (9) of this section, the title holder of record may apply to the department for special registration, to be known as an unladen-weight registration, for any commercial vehicle or combination of vehicles. Such registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for ~~deposit in~~ credit to the Highway Trust Fund. The issuance of such permits shall be governed by subsection (1) of section 60-305.03.

(11) In lieu of registration under subsections (1) to (9) of this section, a trip permit for any nonresident truck, truck-tractor, bus, or truck or truck-tractor combination shall be purchased. Such permit shall be valid for (a) a single trip across or

through Nebraska and (b) not longer than seventy-two hours. The fee for such permit shall be twenty-five dollars for each vehicle or combination of vehicles. Such permit shall be available at weighing stations operated by the carrier enforcement division and at various vendor stations as determined appropriate by the carrier enforcement division. The carrier enforcement division shall act as an agent for the ~~Department of Motor Vehicles~~ department in collecting such fees and shall remit all such fees collected to the State Treasurer ~~who shall place such money in~~ for credit to the Highway Cash Fund. Trip permits shall be obtained at the first available location whether that is a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten percent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits.

Sec. 12. That section 60-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle ~~shall be~~ is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The plates shall be of a color designated by the ~~director~~ Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the ~~Director of Motor Vehicles~~ director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) ~~Beginning with the number plates issued in the year 1984, such~~ Except for plates issued pursuant to section 8 of this act, number plates shall be issued every three years beginning with the number plates issued in the year 1984. In the years in which plates are not issued, in lieu of furnishing such plates, the

department shall furnish to every person whose motor vehicle ~~shall be~~ is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The ~~Department of Motor Vehicles~~ department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued.

(4) The department shall provide a distinctive plate for issuance pursuant to section 8 of this act. Issuance of such plates shall begin not later than January 1, 1991.

(5) Whenever ~~Until January 1, 1990, whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar per plate shall be charged in addition to all other required fees. Beginning January 1, 1990, whenever~~ new license plates, including duplicate or replacement license plates but not including permanent license plates issued for a trailer or semitrailer pursuant to section 8 of this act, are furnished to any person, a fee of one dollar and fifteen cents per plate shall be charged in addition to all other required fees. Such fee shall cover the cost of the plate and renewal tabs. All fees collected pursuant to this section shall be ~~transmitted~~ remitted to the State Treasurer ~~and by him or her deposited in~~ for credit to the Highway Trust Fund.

~~(5)~~ (6) There is hereby created ~~a~~ the License Plate Cash Fund ~~in the state treasury~~ which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311, 60-311.02, and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the ~~Department of Motor Vehicles~~ department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections

72-1237 to ~~72-1269~~ 72-1276.

Sec. 14. Sections 8, 10, and 15 of this act shall become operative on January 1, 1991. The other sections of this act shall become operative on their effective date.

Sec. 15. That original section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, and section 60-305.09, Revised Statutes Supplement, 1989, are repealed.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 32, line 11, strike "and 39-6,180" and insert "39-6,180, 60-102, 60-104, 60-106, 60-311, and 60-2303".

3. Renumber remaining sections accordingly.

The first Beyer amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The second Beyer amendment is as follows:
FA388

Sec. 13. That section 60-2303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2303. The transferor of any motor vehicle of an age of less than ~~twenty-five~~ ten years~~,~~ which was equipped with an odometer by the manufacturer~~,~~ shall provide to the ~~buyer~~ transferee a statement signed by the transferor. Such statement shall (1) set forth the mileage on the odometer at the time of transfer and (2) state that, to the transferor's best knowledge, such mileage is that actually driven by the motor vehicle, or (3) if the transferor has knowledge that the mileage shown on the odometer is not that actually driven, state the actual mileage to the best of the transferor's knowledge and belief. The transferor shall retain a true copy of such statement for a period of five years from the date of the transaction.

The second Beyer amendment lost with 8 ayes, 10 nays, 22 present and not voting, and 9 excused and not voting.

Mr. Warner withdrew his pending amendment, AM2464, found in the Journal on page 746.

Mr. Conway offered the following amendment:
AM2470

(Amendments to AM2221)

1. Insert the following new sections:

"Sec. 5. When an insurance company authorized to do business in Nebraska acquires a motor vehicle which has been properly titled and registered in a state other than Nebraska through payment of a total loss settlement on account of theft and the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair, the company shall obtain the certificate of title from the owner and may make application for a nontransferable certificate of title by surrendering the certificate of title to the county clerk. A nontransferable certificate of title shall be issued in the same manner and for the same fee as provided for a certificate of title in sections 60-106 to 60-117 and shall be on a form prescribed by the Department of Motor Vehicles.

A vehicle which has a nontransferable certificate of title shall not be sold or otherwise transferred or disposed of without first obtaining a certificate of title under sections 60-106 to 60-130.

When a nontransferable certificate of title is surrendered for a certificate of title, the application shall be accompanied by a statement from the insurance company stating that to the best of its knowledge the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair. The statement shall not constitute or imply a warranty of condition to any subsequent purchaser or operator of the vehicle.

Sec. 6. That section 60-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-106. (1) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths.

(2) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1240. If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated. All applications shall be accompanied by the fee prescribed in section 60-115. If the applicant intends to register the motor vehicle pursuant to section 60-305.09, the application shall be made to the Department of Motor Vehicles. The department shall deliver the certificate to the applicant if there are no liens on the motor vehicle. If there are any liens on the motor vehicle, the department shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the department shall be issued in the manner prescribed for the county clerk in section 60-107.

(3) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state, the application, unless otherwise provided for in such sections, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the other state from which the motor vehicle was brought into this state does not have a certificate of title law. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(4) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that

the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(5) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that for titles to be held by husband and wife, applications may be accepted by the clerk upon the signature of either one as a signature for himself or herself and as agent for his or her spouse.

(6) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within fifteen days after the delivery of such motor vehicles, commercial trailers, semitrailers, or cabin trailers. Licensed dealers need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of the same, they shall give the transferee a reassignment of the certificate of title on such motor vehicle, commercial trailer, semitrailer, or cabin trailer or an assignment of a manufacturer's or importer's certificate.

(7) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 5 of this act, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, ~~or~~ a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 5 of this act, or (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09. The statement shall be furnished by the county sheriff of the county in which application is made or by any other holder of a current certificate of training and shall be in a format as determined by the Department of Motor Vehicles. The clerk may accept a certificate of inspection, approved by the

Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection, a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical or if there is reason to believe further inspection is necessary, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the Attorney General's office. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

Sec. 8. That section 60-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-302. No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with Chapter 60, article 3. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs as defined in section 77-1240. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of title~~,~~ as defined in section 60-129~~,~~ and a nontransferable certificate of title provided for in section 5 of this act shall not be valid for registration purposes.

All applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered thereby.

Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3. With such application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to

60-339 and shall state whether the vehicle is propelled by electricity, motor vehicle fuel as defined in section 66-401, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The form shall also contain a notice that bulk special or diesel fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing such notice, for supplying the information for vehicles to be registered. The county assessor shall include the form in each mailing made pursuant to section 77-1240.

The county treasurer or his or her agent shall collect, in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be ~~transmitted~~ remitted by the county treasurer to the State Treasurer ~~and shall, by the State Treasurer, be credited~~ for credit to the State Recreation Road Fund.".

2. On page 32, line 11, strike "and" and before "Reissue" insert "60-106, and 60-302,".

3. Renumber the remaining sections accordingly.

Messrs. Haberman, Moore, and McFarland asked unanimous consent to be excused. No objections. So ordered.

The Conway amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 571. Placed on Select File as amended.
E & R amendment to LB 571:
AM7176

1. In the Standing Committee amendments, AM0795, strike sections 1 through 9 and insert the following new sections:

"Section 1. That section 28-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and

sections 3 and 4 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. That section 28-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-404. (1) All drugs and substances or immediate precursors listed in section 28-405 are hereby declared to be controlled substances, whether listed by official name, generic, common or usual name, chemical name, brand, or trade name.

(2) All anabolic steroids as defined in section 3 of this act are hereby declared to be controlled substances and as such shall be subject to sections 28-417, 28-418, 28-427, 28-429 to 28-431, and 28-434 but shall not be subject to sections 28-401, 28-406 to 28-411, 28-416, 28-439 to 28-442, and 28-445.

Sec. 3. For purposes of section 4 of this act:

(1) Anabolic steroid shall mean any of the following or any isomer, ester, salt, or derivative of the following that acts in the same manner on the human body except when in the form of a livestock implant:

(a) Boldenone undecylenate;

(b) Clostebol;

(c) Dehydrochlormethyltestosterone;

(d) Ethylestrenol;

(e) Fluoxymesterone;

(f) Mesterolone;

(g) Methandienone;

(h) Methandrostenolone;

(i) Methenolone;

(j) Methyltestosterone;

(k) Nandrolone;

(l) Norethandrolone;

(m) Oxandrolone;

(n) Oxymesterone;

(o) Oxymetholone;

(p) Stanozolol; and

(q) Testosterone; and

(2) The use of an anabolic steroid for the purpose of hormonal manipulation that is intended to increase muscle mass, strength, or weight without a medical necessity to do so or for the intended purpose of improving physical appearance or performance in any

form of exercise, sport, or game shall not be a valid medical purpose or in the course of professional practice.

Sec. 4. (1) This section shall apply to the prescription, possession, delivery, or administration of anabolic steroids and shall be in addition to all other requirements of law concerning the manufacture, delivery, sale, prescription, possession, inventory, and recording of the inventory and sale of drugs.

(2) No person shall:

(a) Prescribe, dispense, deliver, or administer an anabolic steroid or deliver a prescription form for an anabolic steroid to a person for human use for any purpose other than a valid medical purpose and in the course of professional practice;

(b) Prescribe, dispense, deliver, or administer an anabolic steroid for human use without a written prescription unless the person is licensed pursuant to the Uniform Licensing Law and prescribes, dispenses, delivers, or administers such substance within the scope and course of his or her professional practice, in his or her office, and for a valid medical purpose; or

(c) Possess over two hundred fifty tablets or eight two-cubic-centimeter bottles of an anabolic steroid unless the person is licensed pursuant to the Uniform Licensing Law or has a written prescription for such substance.

(3) Any person eighteen years of age or older who violates this section shall be guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense. Any person under eighteen years of age who violates this section shall be guilty of a Class III misdemeanor for the first offense and a Class I misdemeanor for the second or any subsequent offense.

Sec. 6. For purposes of section 7 of this act:

(1) Anabolic steroid shall have the definition found in section 3 of this act;

(2) Employee shall mean any person, paid or unpaid, who in any way assists an entity in carrying out the business activities of such entity. Employee shall include an independent contractor;

(3) Institution shall mean any public elementary, secondary, or postsecondary educational institution;

(4) Political subdivision shall have the definition found in section 13-903;

(5) State agency shall have the definition of agency as found in section 81-1705;

(6) Subordinate employee shall mean a person employed by the same employer as and directly or indirectly supervised in the course of such employment by an employee; and

(7) Valid medical purpose shall be construed as provided in section 3 of this act.

Sec. 7. (1) In addition to the penalties provided in section 4 of this act, any employee of a state agency, political subdivision, or institution who possesses, dispenses, delivers, administers, uses, or knowingly allows a subordinate employee or a student attending such employee's employing institution to possess, dispense, deliver, administer, or use an anabolic steroid unless such substance is needed for a valid medical purpose:

(a) For the first violation, shall be dismissed from employment and shall not be an employee of the dismissing entity or any other state agency, political subdivision, or institution for a period of one year after his or her dismissal; and

(b) For a second or any subsequent violation, shall be dismissed from employment and shall not thereafter be an employee of the dismissing entity or any other state agency, political subdivision, or institution.

(2) Any sanction imposed pursuant to this section shall be subject to the Administrative Procedure Act.

Sec. 8. (1) In addition to the penalties provided in section 4 of this act, any person under eighteen years of age who is a student at any public elementary, secondary, or postsecondary educational institution in this state who possesses, dispenses, delivers, or administers anabolic steroids as defined in section 3 of this act in violation of section 4 of this act may be prohibited from participating in any extracurricular activities for not more than thirty consecutive days for the first offense. For the second or any subsequent offense, the student may be barred from participation in such activities for any period of time the institution deems appropriate pursuant to the written policy of the institution.

(2) Any sanction imposed pursuant to this section shall be in accordance with a written policy of the institution. The institution shall post the written policy in a conspicuous place and shall make a copy of the policy available to any student upon request.

Sec. 9. That original sections 28-101, 28-404, and 28-405, Reissue Revised Statutes of Nebraska, 1943, are repealed.”.

2. Strike the Hefner amendment, AM2420.

3. In the Kristensen amendment, AM2678:

a. On page 1, strike beginning with “Strike” in line 1 through “sections” in line 2 and insert “Insert the following new section”;

b. Strike section 1;

c. Renumber section 6 as section 5; and

d. Strike amendments 2 and 3 and renumber the remaining amendment accordingly.

4. On page 1, strike lines 2 through 7 and insert “sections 28-101, 28-404, and 28-405, Reissue Revised Statutes of Nebraska, 1943; to define terms; to prohibit certain acts relating to anabolic steroids; to provide penalties and sanctions; to change the spelling of a controlled substance; and”.

LEGISLATIVE BILL 594. Placed on Select File as amended.
E & R amendment to LB 594:
AM7175

1. In the Standing Committee amendments, AM0957, on page 1, line 4, after the second comma insert “Reissue” and strike “Supplement, 1988” and insert “of Nebraska, 1943”.

2. On page 1, strike beginning with line 2 through “change” in line 4 and insert “eliminate”; and in line 6 strike “the original” and after “sections” insert “25-21,195 to 25-21,199, Reissue Revised Statutes of Nebraska, 1943”.

LEGISLATIVE BILL 656. Placed on Select File as amended.
E & R amendment to LB 656:

AM7177

1. In the Nelson amendment, AM2015:

a. On page 1, line 17, strike "any";

b. On page 6, lines 14 and 15, strike the comma;

c. On page 8, line 9, after "property" insert a comma;

d. On page 10, line 11, after "principles" insert a comma and after "which" insert "statements"; and in line 13 strike the comma;

e. On page 12, line 6, strike "are" and insert "shall be"; and in line 18 strike "automatically becomes" and insert "shall become" and after "effective" insert "automatically";

f. On page 13, line 15, strike the comma; and in line 20 strike the first "or" and insert a comma and after "techniques" insert a comma;

g. On page 16, line 7, strike "who is";

h. On page 19, lines 17 and 18, strike "park" and insert "campground";

i. On page 20, line 2, after "purchaser" insert a comma;

j. On page 21, line 8, strike the comma; in line 17 strike "and that" and insert ", whether"; and in line 18 after "facilities" insert a comma;

k. On page 23, line 10, strike "as" and insert "was";

l. On page 24, line 16, strike "has" and insert "shall have"; and in line 23 strike "is" and insert "shall be" and strike "shall be";

m. On page 25, line 9, strike "payment" and insert "payments"; and in line 24 after "purchaser" insert a comma;

n. On page 27, line 13; and page 28, line 10, strike "act" and insert "law";

o. On page 27, lines 23 and 24, strike "or membership camping contract broker's";

p. On page 34, line 8, strike "shall"; and

q. On page 37, line 21, after "in" insert "the district court of".

2. On page 1, strike beginning with "define" in line 1 through line 12 and insert "adopt the Membership Campground Act; and to provide an operative date.".

(Signed) John C. Lindsay, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 369A. Introduced by Beyer, 3rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 369, Ninety-first Legislature, Second Session, 1990; to authorize certain transfers of funds; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 264. Introduced by Wesely, 26th District; Landis, 46th District; Schmit, 23rd District.

WHEREAS, Roger Welsch is a nationally recognized as a folklorist, historian, humorist and bon vivant man about the town of Dannebrog, Nebraska; and

WHEREAS, Roger Welsch has distinguished himself by his commitment to his community and state, and by his ability to clean up amazingly well when absolutely necessary; and

WHEREAS, Roger Welsch has been featured on Charles Kuralt's On the Road and Sunday Morning programs as well as the ever popular National Enquirer; and

WHEREAS, Roger Welsch has written many books, told many lies, made many laugh, and helped many to enjoy life a little more than they did before; and

WHEREAS, the NEBRASKAland Foundation, Inc. recognizes outstanding Nebraskans whose public service and spirit are a tribute to the State of Nebraska; and

WHEREAS, Roger Welsch received the NEBRASKAland Foundation's Trailblazer Award on March 1, 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Roger Welsch on his receipt of this prestigious award.
2. That a copy of this resolution be presented to Roger Welsch to be displayed in the National Liars Hall of Fame.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 980 in the Journal. No objections. So ordered.

AM2769

(Amendment to AM2528)

On page 11, line 23, after the period insert: “The department may prescribe a secure power of attorney form and may contract with one or more persons to develop, provide, sell, and distribute secure power of attorney forms in the manner authorized or required by the federal Truth in Mileage Act of 1986, and amendments thereto, and any other federal law or regulation. Any secure power of attorney form authorized pursuant to a contract shall conform to the terms of the contract and be in strict compliance with the requirements of the department.”.

VISITORS

Visitors to the Chamber were the Mitchell High School girl's basketball team; Jim, Cleta, and Josh Weisbeck; Lyle and Trudy Truhlsen from Blair; John and Rose Meuret from Brunswick; and the American Association of University Women.

ADJOURNMENT

At 4:58 p.m., on a motion by Mr. Weihing, the Legislature adjourned until 9:00 a.m., Friday, March 2, 1990.

Patrick J. O’Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 2, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 2, 1990

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Senator Lowell Johnson.

ROLL CALL

The roll was called and all members were present except Messrs. Morrissey, Withem, and Ms. Schimek who were excused; and Messrs. Abboud, Ashford, Byars, Haberman, Hall, Hartnett, Landis, Lindsay, Mmes. Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

UNANIMOUS CONSENT - Members Excused

Mr. Schellpeper and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 844, 853, 903, 919, 983, 1086, 1105, 1109, 1119, 1165, 1167, 1183, 1216, 1217, and 1228.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 1105

The following changes, required to be reported for publication in the Journal, have been made:
ER6251
1. On page 2, line 3, "contribution" has been struck and "contributions" inserted.

Enrollment and Review Change to LB 1109

The following changes, required to be reported for publication in the Journal, have been made:
ER6252
1. On page 1, line 4, "to change the applicability of provisions;" has been inserted after the semicolon; and in line 7 "to harmonize provisions;" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1060: Environmental Control Council - Duane Liebsack and Barbara Jo Bierman Batie.

Voting in the affirmative, 26:

Baack
Barrett
Beck
Beyer
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Lamb
Lynch
Nelson
Peterson
Robak
Rogers
Schmit
Scofield
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens
Chambers
Chizek
Korshoj
Kristensen
Langford
McFarland
Moore

Excused and not voting, 15:

Abboud
Ashford
Byars
Haberman
Hall
Hartnett
Labedz
Landis
Lindsay
Morrissey
Pirsch
Schellpeper
Schimek
Smith
Withem

These appointments were confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1060: Randall K. Stinnette - Game and Parks Commission.

Voting in the affirmative, 26:

Baack
Barrett
Beck
Beyer
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lynch
Moore
Nelson
Peterson
Robak
Rogers
Schmit
Scofield
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 8:

Bernard-Stevens
Chambers
Chizek
Conway
Kristensen
Lamb
Langford
McFarland

Excused and not voting, 15:

Abboud
Ashford
Byars
Haberman
Hall
Hartnett
Labedz
Landis
Lindsay
Morrissey
Pirsch
Schellpeper
Schimek
Smith
Withem

The appointment was confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1019. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Weihing moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1019A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1184. Title read. Considered.

Standing Committee amendment, AM2517, found in the Journal on page 773 for the Twenty-Sixth Day, was considered.

Ms. Scofield renewed her pending amendment, AM2565, found in the Journal on page 851, to the Standing Committee amendment.

The Scofield amendment was adopted with 18 ayes, 0 nays, 19 present and not voting, and 12 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1184A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 1, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Albin, John H. - Lincoln	DeCamp Legal Services, P.C. (Withdrawn 90/03/01)
Augustus, Joseph R. - Greenwich, CT	United States Tobacco Company (Withdrawn 90/02/26)
Ayres, Joseph Warren - Lincoln	DeCamp Legal Services
Boyer, John K. - Omaha	Services for Children
Graves, Gene - Omaha	Metro Omaha Builders Association
Ossenkop, Grant - Lincoln	DeCamp Legal Services, P.C. (Withdrawn 90/03/01)
Reutzel, Barry - Lincoln	DeCamp Legal Services, P.C.
Roundey, William G. - Lincoln	Nebraskans Against the Death Penalty (Withdrawn 89/05/01)
Wright, Norman H. - Omaha	Services for Children

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1009 in the Journal. No objections. So ordered.

AM2784

1. Strike original section 3.
2. On page 4, strike beginning with "may" in line 4 through "permit" in line 18 and insert "shall adopt a seal to be used in commemorating the one hundred twenty-fifth anniversary of Nebraska statehood".
3. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 880. Title read. Considered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?"

Mr. Chizek moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

Advanced to E & R for review with 31 ayes, 3 nays, 8 present and not voting, and 7 excused and not voting.

SPEAKER BARRETT PRESIDING

The Chair declared the call raised.

LEGISLATIVE BILL 1018. Title read. Considered.

Standing Committee amendment, AM2614, found in the Journal on page 896 for the Thirty-First Day, was considered.

Mr. Abboud offered the following amendment to the Standing Committee amendment:

AM2254

1. On page 2, lines 7 and 8, strike "maliciously and willfully" and insert "intentionally"; and in line 19 strike ", whether" and insert "and" and strike "or not".

The Abboud amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Messrs. Haberman, R. Johnson, Schellpeper, Mmes. Robak, and Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA389
P. 2, line 8, reinstate "at".

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 265. Introduced by Chambers, 11th District.

WHEREAS, Omaha's North High School won the Class A state wrestling championship Saturday February 16, 1990, by scoring a record 156 1/2 points; and

WHEREAS, two of the North High Viking wrestlers were state champions in their weight class, four placed second, one placed third, and one placed sixth in the tournament; and

WHEREAS, this is the third state wrestling championship for North High School; and

WHEREAS, the North High Viking wrestlers, Coach Curlee Alexander, and the coach's dedicated staff worked extremely hard all year to achieve the Class A state wrestling championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to the Viking wrestlers, Coach Curlee Alexander, and the coach's staff.
2. That a copy of this resolution be sent to Coach Alexander for presentation to the team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 1109 in the Journal. No objections. So ordered.

AM2783

(Final Reading copy)

1. On page 2, line 12, after the period insert "This section shall not apply to Class IV school districts."; and in line 13 strike the new matter.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 618A. Introduced by Dierks, 40th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 618, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 880A. Introduced by Chizek, 31st District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 880, Ninety-first Legislature, Second Session, 1990.

MESSAGE FROM THE GOVERNOR

March 2, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 852, 872, 918, 924, 930, 940, 969, 970, 974, 1016, 1017, 1070, 1076, 1098, and 1118 were received in my office on February 27, 1990.

These bills were signed by me on March 2, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR

Governor

VISITORS

Visitors to the Chamber were former Senator Rolland Kreutz and Phil, Judy, and Jim Kreutz from Harvard; 45 sixth grade students and teacher from Eastridge Elementary, Lincoln; seven students and teacher from Northeast High School, Lincoln; John Wells from North Platte; Marge Green from Ewing and Pat Watson from Chambers; Jae, Matt, Rachel, and Eric Bertrand, Buffi Nelson, and Scott Choquette from Minden; Jay Choquette from Campbell; and the Farnam girls' basketball team.

RECESS

At 12:08 p.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Morrissey, Rogers, Withem, and Ms. Schimek who were excused; and Messrs. Chizek, Haberman, Hall, Hannibal, Korshoj, Lindsay, Lynch, McFarland, Moore, Schmit, Warner, Mmes. Labedz, Nelson, and Pirsch who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1018. The pending Chambers amendment, FA389, found in the Journal on page 1126, was renewed.

Mr. Abboud moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

Ms. Scofield, Messrs. Kristensen, and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1136. Title read. Considered.

Standing Committee amendment, AM2585, printed separately from the Journal and referred to on page 930 for the Thirty-Second Day, was considered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

LEGISLATIVE BILL 1222. Title read. Considered.

Standing Committee amendment, AM2624, found in the Journal on page 971 for the Thirty-Third Day, was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM2789

(Amendments to Standing Committee amendments, AM2624)

1. On page 3, lines 8 and 11, after "dispositional" insert "or review".

The Wesely amendment was adopted with 17 ayes, 0 nays, 13 present and not voting, and 19 excused and not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Mrs. Smith renewed her pending amendment, AM2741, found in the Journal on page 1076.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to the pending Smith amendment:
FA390
Pg 3, Line 22, strike “may” and insert “shall”

The Bernard-Stevens amendment was adopted with 11 ayes, 0 nays, 20 present and not voting, and 18 excused and not voting.

The Smith amendment, as amended, was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mrs. Crosby offered the following amendment:
AM2791
1. On page 11, line 20, after the period insert “At least one member shall be an attorney with legal expertise in child welfare.”.

Mrs. Langford and Mr. Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

The Crosby amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Mr. Chambers offered the following amendment:
FA391
Page 9, line 14, strike “maliciously”, and after statements, strike the period and insert “negligently made”.

The Chambers amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1031. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2659.)

LEGISLATIVE BILL 1125. Placed on General File.
LEGISLATIVE BILL 920. Placed on General File.

LEGISLATIVE BILL 1170. Placed on General File as amended.
Standing Committee amendment to LB 1170:
AM2680

1. Insert the following new section:

"Sec. 2. It is the intent of the Legislature that when the number of applicants for the tuition credit program exceeds the limitation of one thousand two hundred members prescribed by section 85-505.01, the Military Department shall use a method to determine who receives tuition credits that does not unfairly discriminate against a student because of the term starting date, the size, the location, or any other characteristic of the school selected by the student.

It is the intent of the Legislature that the Military Department shall notify the Appropriations Committee of the Legislature as soon as it is anticipated that current and future appropriations will not be sufficient to allow the approval of one thousand two hundred members into the tuition credit program in any fiscal year.

It is the intent of the Legislature that every person at the time of enlistment or reenlistment in the Nebraska National Guard shall be clearly notified that the tuition credit program may not be available to them because of limitations set in statute and the lack of appropriation authority.".

2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendment to LB 536:

AM2737

1. Strike the original sections and insert the following new sections:

"Section 1. That section 43-512, Revised Statutes Supplement, 1989, be amended to read as follows:

43-512. (1) Any dependent child, as defined in section 43-504, or any relative of such dependent child may file with the Department of Social Services a written application for financial assistance for such child on forms furnished by the department.

(2) The department, through its agents and employees, shall ~~thereupon~~ make such investigation pursuant to the application as it deems necessary or as may be required by the county attorney. If the investigation or the application for financial assistance discloses that such child has a parent or stepparent who is able to contribute to the support of such child and has failed to do so, a copy of the finding of such investigation and a copy of the application shall immediately be filed with the county attorney or authorized attorney.

(3) The department shall make a finding as to whether the application referred to in subsection (1) of this section ~~shall~~ should be allowed or denied. If ~~it is found~~ the department finds that the application should be allowed, the department shall further find the amount of monthly assistance which should be paid with reference to such dependent child. Except as may be otherwise provided, payments shall be made by state warrant, and the amount of payments shall not exceed three hundred dollars per month when there is but one dependent child and one eligible caretaker relative in any home, plus an additional seventy-five dollars per month on behalf of each additional eligible person. No payments shall be made for amounts totaling less than ten dollars per month~~;~~ except in the recovery of overpayments.

(4) The amount which shall be paid as assistance with respect to a dependent child shall be based in each case upon the conditions disclosed by the investigation made by the department. An appeal shall lie from the finding made in each case to the Director of Social Services. Such appeal may be taken by any

taxpayer or by any relative of such child. Proceedings for and upon appeal shall be conducted in the same manner as provided for in section 68-1016.

(5)(a) For the purpose of preventing dependency, the ~~Director of Social Services is authorized to~~ director shall adopt and promulgate rules and regulations providing for services to former and potential recipients of aid to dependent children and medical assistance benefits. The director ~~is further authorized to~~ shall adopt and promulgate rules and regulations establishing programs and cooperating with programs of work incentive, work experience, job training, and education. The provisions of this section with regard to determination of need, amount of payment, maximum payment, and method of payment shall not be applicable to families or children included in such programs.

(b) If a recipient of aid to dependent children becomes ineligible for aid to dependent children as a result of increased hours of employment or increased income from employment after having participated in any of the programs established pursuant to subdivision (a) of this subsection, ~~and such job results in the loss of aid to dependent children,~~ the recipient may be eligible for the following benefits, as provided in rules and regulations of the department in accordance with sections 402, 417, and 1925 of the Social Security Act, as amended, Public Law 100-485, in order to help the family during the transition from public assistance to independence:

(i) An additional aid to dependent children payment in the amount of one-half of the previous month's aid to dependent children grant;

(ii) Child care for up to twelve months following the month in which the recipient begins employment if such child care services are needed to assist in employment retention, subject to a sliding fee schedule if one is adopted by the department; and

~~(ii)~~ (iii) Medical assistance for up to twelve months after the month the recipient becomes employed and is no longer eligible for aid to dependent children.

(6) For purposes of sections 43-512 to 43-512.10, unless the context otherwise requires:

(a) Authorized attorney shall mean an

attorney, employed by the county subject to the approval of the county board, employed by the ~~Department of Social Services~~ department, or appointed by the court, who is authorized to investigate and prosecute child and spousal support cases; and

(b) Spousal support shall be defined as provided in section 42-347.

Sec. 2. That original section 43-512, Revised Statutes Supplement, 1989, is repealed.".

LEGISLATIVE BILL 1220. Placed on General File.
LEGISLATIVE BILL 898. Placed on General File.

LEGISLATIVE BILL 899. Placed on General File as amended.
Standing Committee amendment to LB 899:
AM2699

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature acknowledges the need for additional general classroom, laboratory, and related faculty office space in order for Kearney State College to more effectively serve its instructional mission and recognizes the particular need for additional and renovated space to accommodate the departments of social sciences and education at Kearney State College as evidenced by the high priority accorded by the Board of Trustees of the Nebraska State Colleges and by Kearney State College to the addition of a third floor to Founders Hall and the renovation of Copeland Hall. However, it is the finding of the Legislature that an alternative to the addition of a third floor to Founders Hall may represent a more cost-efficient utilization of state resources and a more effective means to meet existing space needs of Kearney State College.

There is hereby appropriated $30,000 from the State Building Fund for FY1990-91 to Kearney State College, for Program 918, to undertake a feasibility study of and complete a program statement for an alternative to the addition of a third floor to Founders Hall. Such study and statement shall:

(1) Retain similar instructional space priorities as evidenced by the high priority accorded the proposed Founders Hall and Copeland Hall projects;

(2) Continue to take into account space available in Copeland Hall which may be renovated at some future point;

(3) Explore the feasibility of a site location generally bounded by West Twenty-sixth Street, Ninth Avenue, the northern extremity of the architectural footprint of Founders Hall, and the eastern extremity of the architectural footprint of Copeland Hall; and

(4) Limit consideration of new construction to no more than fifty thousand gross square feet.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 96. Indefinitely postponed.
LEGISLATIVE BILL 98. Indefinitely postponed.
LEGISLATIVE BILL 118. Indefinitely postponed.
LEGISLATIVE BILL 304. Indefinitely postponed.
LEGISLATIVE BILL 307. Indefinitely postponed.
LEGISLATIVE BILL 317. Indefinitely postponed.
LEGISLATIVE BILL 428. Indefinitely postponed.
LEGISLATIVE BILL 430. Indefinitely postponed.
LEGISLATIVE BILL 473. Indefinitely postponed.
LEGISLATIVE BILL 518. Indefinitely postponed.
LEGISLATIVE BILL 675. Indefinitely postponed.
LEGISLATIVE BILL 677. Indefinitely postponed.
LEGISLATIVE BILL 735. Indefinitely postponed.
LEGISLATIVE BILL 770. Indefinitely postponed.
LEGISLATIVE BILL 796. Indefinitely postponed.
LEGISLATIVE BILL 797. Indefinitely postponed.
LEGISLATIVE BILL 998. Indefinitely postponed.
LEGISLATIVE BILL 999. Indefinitely postponed.
LEGISLATIVE BILL 1198. Indefinitely postponed.
LEGISLATIVE BILL 1207. Indefinitely postponed.

LEGISLATIVE BILL 1211. Placed on General File as amended.
Standing Committee amendment to LB 1211:
AM2764

1. Strike the original section and insert the following new section:

"Section 1. (1) When any legislation is enacted after June 30, 1990, which is projected to increase the total adult inmate population or total juvenile population in state correctional facilities, the Legislature shall include in the legislation an estimate of the operating costs resulting from such increased population for the first two fiscal years during which the law will be in effect. The estimate shall be based on the amounts estimated in the fiscal note prepared by the Legislative Fiscal Analyst for such legislation. The Legislature shall provide by specific itemized appropriation for the fiscal year or years for which it can make valid appropriations an amount sufficient to meet the cost indicated in the estimate for such fiscal year or years. The appropriation shall be enacted in the same legislative session in which the legislation is enacted and shall be contained in a separate appropriation bill. Any legislation enacted after June 30, 1990, which does not include the required estimate and is not accompanied by the required appropriation bill pursuant to this act shall be null and void. For purposes of this act, operating costs shall include only adult inmate and juvenile per diem and medical expenses.

(2) Funds appropriated pursuant to this act shall be reserved and utilized as a contingency by the Department of Correctional Services. The Legislature shall appropriate all contingency funds to a separate and distinct budget program. The Department of Administrative Services budget division is authorized to transfer appropriations from the contingency program to the budget program of any correctional facility upon written certification by the Director of Correctional Services that all adult inmate and juvenile per diem and medical expense funds appropriated by the Legislature have been exhausted. Contingency funds shall only be expended on adult inmate and juvenile per diem and medical expenses.".

LEGISLATIVE BILL 905. Placed on General File as amended.
Standing Committee amendment to LB 905:
AM2672

1. On page 2, strike beginning with "certified" in line 16 through "treasurer" in line 17 and insert "determined by the Tax Commissioner"; and in line 25 strike "liquid".

2. On page 3, line 1, strike "fuels"; and strike lines 2 through 6 and insert

"(3) If the Personal Property Tax Reimbursement Fund is insufficient to cover all reimbursements in full, such funds shall be distributed to such county treasurers for distribution as follows:

(a) To school districts, counties, cities, technical community colleges, and natural resources districts, as reimbursement for the refunds granted to pipeline companies for tax year 1988, an amount equal to the amount of such refund that exceeds one percent of the tax dollars received from property tax sources for tax year 1988, excluding bonded indebtedness, as determined by the Tax Commissioner;

(b) To all political subdivisions other than those set out in subdivision (a) of this subsection, as reimbursement for the refunds granted to the pipeline companies for tax year 1988, an amount equal to the amount of such refund as determined by the Tax Commissioner. If the amount appropriated is not sufficient to cover the reimbursement provided for in this subsection, the amount shall be prorated as determined by the Tax Commissioner; and

(c) The amount remaining after the distributions are made pursuant to subdivisions (a) and (b) of this subsection shall be distributed to school districts, counties, cities, technical community colleges, and natural resources districts in an amount equal to the refunds granted to pipeline companies for tax year 1988, except that the amount shall not exceed one percent of the tax dollars received from property tax sources for tax year 1988 as determined by the Tax Commissioner. If the amount appropriated is not sufficient to cover the reimbursement provided for in this subsection, the amount shall be prorated as determined by the Tax Commissioner.".

3. Renumber the remaining section accordingly.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1136 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2781.)

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Ashford asked unanimous consent to have his name added as co-introducer to LB 1018 and LB 1019. No objections. So ordered.

VISITORS

Visitors to the Chamber were Doug and Maurine Zuellner from Campbell; and 51 fifth grade students and sponsor from Springville Elementary, Omaha.

ADJOURNMENT

At 3:13 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Monday, March 5, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 5, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 5, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Reverend Patsy Moore, Nebraska Wesleyan University, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Hall, Hartnett, R. Johnson, Kristensen, Withem, Mrs. Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 258. Read. Considered.

Mr. McFarland offered the following amendment:
FA392
After the last WHEREAS Paragraph strike the period (.) and add the following:
";and

WHEREAS, the Tax Commissioner has in his possession a list of those Department of Revenue employees who received bonuses and the amount of each bonus; and

WHEREAS, the Attorney General has rendered an opinion that the Department of Revenue is required to release fiscal records from which it may be possible to determine which Department of Revenue employees received bonuses and the amount of each bonus; and

WHEREAS, the Tax Commissioner has indicated that he reads the opinion of the Attorney General to confirm his previous position on this issue."

At the end of Paragraph 1. strike the period (.) and add the following:

"by providing to the Nebraska citizen who requested the disclosure of the distribution of bonus payments to Department of Revenue employees and by providing to any Nebraska citizen who makes such a request the list of Department of Revenue employees who received bonuses and the amount of each bonus."

At the end of Paragraph 2. strike the period (.) and add the following:

"and to the Governor."

Pending.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hannibal moved to refer LR 258 to the Reference Committee for reference to a Standing Committee.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hannibal motion to refer LR 258 to the Reference Committee prevailed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2615

1. On page 36, line 17, after "percent" insert ", except that the rate of the sales tax on motor vehicles, trailers, and semitrailers as defined in section 60-301 shall be four percent".

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 894: Janet Elizabeth Bernard-Stevens, M.D. - Environmental Control Council.

Voting in the affirmative, 34:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Langford
McFarland
Morrissey
Nelson
Pirsch
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 8:

Ashford
Chambers
Chizek
Korshoj
Lynch
Moore
Peterson
Robak

Excused and not voting, 7:

Abboud
Hall
Hartnett
Labedz
Lindsay
Schimek
Withem

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 894: Connie W. Bunge - Environmental Control Council.

Voting in the affirmative, 31:

Ashford
Baack
Barrett
Beck
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lynch
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Smith
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 12:

Bernard-Stevens
Chambers
Chizek
Korshoj
Langford
McFarland
Moore
Morrissey
Pirsch
Scofield
Warner
Wehrbein

Excused and not voting, 6:

Abboud
Hall
Hartnett
Labedz
Lindsay
Schimek

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 894: Dr. Norman Thorson - Central Interstate Low-Level Radioactive Waste Commission.

Pending.

Mr. Dierks moved to bracket the confirmation report on Dr. Norman Thorson until March 19th, 9:30 a.m.

Mr. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Dierks motion to bracket lost with 8 ayes, 27 nays, 13 present and not voting, and 1 excused and not voting.

Ms. Scofield moved to rerefer the confirmation back to the Natural Resources Committee.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Scofield motion lost with 10 ayes, 24 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Hefner moved to suspend Rule 7 §3 and Rule 7 §7 and vote on the confirmation report of Dr. Thorson without further motion, amendment, or debate.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Lamb moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Lamb motion to cease debate prevailed with 26 ayes, 9 nays, and 14 not voting.

The Chair declared the call raised.

Mr. Hefner moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hefner requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 26:

Ashford
Baack
Barrett
Beck
Beyer
Byars
Conway
Coordsen
Crosby
Elmer

Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Labedz
Lamb
Langford
Peterson
Pirsch
Robak
Rogers
Schmit
Wehrbein
Weihing

Voting in the negative, 17:

Bernard-Stevens
Chizek
Dierks
Hall
Korshoj
Kristensen
Landis
Lindsay
McFarland
Morrissey
Nelson
Schellpeper
Schimek
Scofield
Smith
Wesely
Withem

Present and not voting, 3:

Chambers
Hartnett
Warner

Excused and not voting, 3:

Abboud
Lynch
Moore

The Hefner motion to suspend the rules lost with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

Mrs. Langford and Mr. Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 315. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7179.)

(Signed) John C. Lindsay, Chairperson

MOTION - Approve Appointment

The Schmit pending motion, found in this day's Journal, on the adoption of the report of the Natural Resources Committee for the

Governor appointment of Dr. Norman Thorson - Central Interstate Low-Level Radioactive Waste Commission, was renewed.

Pending.

VISITORS

Visitors to the Chamber were six seniors and teacher from Wilcox High School.

RECESS

At 12:09 p.m., on a motion by Mr. McFarland, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hall, Lindsay, McFarland, Withem, and Mrs. Beck who were excused until they arrive.

MOTION - Approve Appointment

The Schmit pending motion, found in this day's Journal, on the adoption of the report of the Natural Resources Committee for the Governor appointment of Dr. Norman Thorson - Central Interstate Low-Level Radioactive Waste Commission, was renewed.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Barrett
Beyer
Byars
Conway
Crosby
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Labedz
Lamb
Landis
Langford
Lindsay
Nelson
Peterson
Pirsch
Robak
Rogers
Schmit
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 5:

Dierks
Kristensen
Morrissey
Schimek
Scofield

Present and not voting, 8:

Bernard-Stevens
Chizek
Coordsen
Korshoj
Lynch
Moore
Schellpeper
Wesely

Excused and not voting, 6:

Beck
Chambers
Haberman
Hall
McFarland
Withem

The appointment was confirmed with 30 ayes, 5 nays, 8 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1141A. Introduced by Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1141, Ninety-first Legislature, Second Session, 1990; and to state intent.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 980. E & R amendment, AM7125, found in the Journal on page 715 for the Twenty-Fourth Day, was adopted.

Mr. Lamb renewed his pending amendment, AM2528, printed separately from the Journal and referred to on page 821.

Mr. Lamb renewed his pending amendment, AM2769, found in the Journal on page 1119, to his pending amendment, AM2528.

The Lamb amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Lamb pending amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Lamb renewed his pending amendment, AM2473, found in the Journal on page 821.

The Lamb amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 980A. Advanced to E & R for engrossment.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 164. E & R amendment, AM7123, found in the Journal on page 716 for the Twenty-Fourth Day, was adopted.

Mr. Ashford renewed his pending amendment, AM2645, found in the Journal on page 966.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Ashford amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 164A. Mr. Ashford offered the following amendment:
AM2810

1. On page 2, line 12, strike "$11,730" and insert "$23,460"; and in line 13 strike "$12,315" and insert "$24,630".

The Ashford amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 348. Mr. Wesely withdrew his pending amendment, AM2661, found in the Journal on page 976.

Mrs. Langford and Mr. Wesely renewed their pending amendment, AM2734, found in the Journal on page 1046.

SPEAKER BARRETT PRESIDING

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

The Langford-Wesely amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 953. E & R amendment, AM7126, found in the Journal on page 716 for the Twenty-Fourth Day, was adopted.

Mrs. Nelson offered the following amendment:
FA393

On page 8, line 22 and 23, and page 10, lines 6 thru 9 ending with benefits, reinstate the stricken language and strike the new language.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nelson amendment lost with 6 ayes, 16 nays, 21 present and not voting, and 6 excused and not voting.

Mr. Schmit and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper offered the following amendment:
AM2814

1. Strike original section 1.

2. On page 5, lines 7, 8, and 9, strike the new matter.

3. On page 7, lines 5, 6, and 12 through 17, strike the new matter; and in lines 17 through 20 reinstate the stricken matter.

4. On page 13, line 25, strike the new matter and reinstate the stricken matter.

5. On page 14, lines 1 to 4, strike the new matter and reinstate the stricken matter; and in line 18 strike "81-2017,".

6. Renumber remaining sections accordingly.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Schellpeper amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Messrs. Chizek and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 953A. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

AM2797

(Amendments to AM7176)

1. Insert the following new sections:

"Section 1. That section 27-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-504. (1) As used in this rule:

(a) A patient is a person who consults or is examined or interviewed by a physician for purposes of diagnosis or treatment of his or her physical, mental, or emotional condition;

(b) A physician is (i) a person authorized to practice medicine in any state or nation or who is reasonably believed by the patient so to be or (ii) a person licensed or certified as a psychologist under the laws of any state or nation, who devotes all or a part of his or her time to the practice of clinical psychology; and

(c) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician, including members of the patient's family.

(2) A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purposes of diagnosis or treatment of his or her physical, mental, or emotional condition among himself or herself, his or her physician, or persons who are participating in the diagnosis or treatment under the direction of the physician, including members of the patient's family.

(3) The privilege may be claimed by the patient, by his or her guardian or conservator, or by the personal representative of a deceased patient. The person who was the physician may claim the privilege but only on behalf of the patient. His or her authority so to do is presumed in the absence of evidence to the contrary.

(4)(a) There is no privilege under this rule for communications relevant to an issue in proceedings to hospitalize the patient for physical, mental, or emotional illness~~;~~ if the physician, in the course of diagnosis or treatment, has determined that the patient is in need of hospitalization.

(b) If the judge orders an examination of the physical, mental, or emotional condition of the patient, communications made in the course thereof are not privileged under this rule with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise.

(c) There is no privilege under this rule as to communications relevant to an issue of the physical, mental, or emotional condition of the patient in any proceeding in which he or she relies upon the condition as an element of his or her claim or defense or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of his or her claim or defense.

(d) There is no privilege under this rule in any judicial proceedings under the Nebraska Juvenile Code regarding injuries to children, incompetents, or disabled persons or in any criminal prosecution involving injury to any such person or the willful failure to report any such injuries.

(e) There is no privilege under this rule in any judicial proceeding regarding unlawfully obtaining or attempting to obtain (i) a controlled substance, (ii) a written or oral prescription for a controlled substance, or (iii) the administration of a controlled substance from a practitioner. For purposes of this subdivision, the definitions found in section 28-401 and the declaration found in subsection (2) of section 28-404 shall apply.

Sec. 7. That section 28-1439.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1439.01 No conviction for an offense punishable under ~~sections 28-401 to 28-438~~ any provision of the Uniform Controlled Substances Act or section 5 of this act shall be based solely upon the uncorroborated testimony of a cooperating individual.".

2. On page 1, line 8, strike "3 and 4" and insert "4 and 5"; in line 19 strike "3" and insert "4"; in line 20 strike "as such shall be subject to" and insert "shall specifically be controlled substances for purposes of"; and in line 21 strike "and".

3. On page 2, line 1, strike "but shall not be subject to" and insert ", 28-1438.01 to 28-1439.05, 71-147, and 79-4,180 but not"; and in line 3 strike "4" and insert "5".

4. On page 4, line 19, strike "7" and insert "9"; and in line 22 strike "3" and insert "4".

5. On page 5, line 15, strike "3" and insert "4"; and in line 17 strike "4" and insert "5".

6. On page 6, line 15, strike "4" and insert "5" and after "act" insert "and section 79-4,180"; and in line 20 strike "3" and insert "4" and strike "4" and insert "5".

7. On page 7, line 9, after "sections" insert "27-504,"; in line 10 strike "and" and after the second comma insert "and 28-1439.01,"; in line 17 after the semicolon insert "and"; and strike beginning with "Renumber" in line 18 through "d." in line 19.

8. Renumber sections 1 to 4 and 6 to 9 as sections 2 to 5 and 8 to 11, respectively.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 258.

LR	**Committee**
258	Government, Military and Veterans Affairs

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1124. Placed on General File as amended.
Standing Committee amendment to LB 1124:
AM2758

1. Strike original sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 66-410, Revised Statutes Supplement, 1988, be amended to read as follows:

66-410. At the time of filing the statement required by section 66-409, such dealer shall, in addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478 and in addition to the other taxes provided for by law, pay a tax of ten and one-half cents per gallon upon all motor vehicle fuels as shown by such statement, except that there shall be no tax on the motor vehicle fuel so reported if the required taxes on the motor vehicle fuel have been paid or if the motor vehicle fuel has been sold to a licensed dealer and the seller was a licensed dealer as described in subdivision (3)(a) or (3)(b) of section 66-401 and was the importer or first receiver of such fuel in this state. ~~Effective July 1, 1985, gasoline~~ Gasoline sold in Nebraska which contains a minimum of ten percent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine percent alcohol, excluding denaturant, produced from cereal grains or domestic agricultural commodities shall be subject to a state motor fuel tax which is ~~three cents~~ one cent per gallon less than gasoline which does not contain such a blend. Effective January 1, 1993, gasoline which contains such a blend shall be subject to the same state motor fuel tax rate as gasoline which does not contain such a blend. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 3. That section 66-428, Revised Statutes Supplement, 1988, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of ten and one-half cents per gallon, increased by the amounts imposed or determined under sections 66-473, 66-477, and 66-478, upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under section 66-410 or Chapter 66, article 6, except that such excise tax ~~after July 1, 1985,~~ shall be one cent ~~three cents~~ per gallon less on motor vehicle fuel containing a minimum of ten percent blend of agricultural ethyl alcohol produced from cereal grains or domestic agricultural commodities whose purity shall be at least ninety-nine percent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. Effective January 1, 1993, the excise tax on such motor vehicle fuel containing such a blend shall be the same as that on such motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.”.

2. On page 2, line 2, strike “thirty” and insert “twenty”.

(Signed) Tim Hall, Chairperson

Appropriations

LEGISLATIVE BILL 1210. Placed on General File.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1019. Placed on Select File as amended.
E & R amendment to LB 1019:
AM7178

1. Insert the following new section:
"Sec. 6. The Revisor of Statutes shall assign section 4 of this act within sections 81-1201.01 to 81-1201.20, and any reference to sections 81-1201.01 to 81-2301.20 shall be construed to include section 4 of this act.".

2. On page 1, line 9, after the last semicolon insert "to provide a duty for the Revisor of Statutes;".

3. On page 4, line 7, strike "department's" and show as stricken and after "programs" insert "of the department"; and in line 15 after the second "the" insert "activities of the".

4. On page 5, lines 18 and 21 and 22, strike "International Trade Office Division" and insert "division".

5. On page 6, line 3, strike "office" and insert "division".

6. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1019A. Placed on Select File.

LEGISLATIVE BILL 1184. Placed on Select File as amended.
E & R amendment to LB 1184:
AM7180

1. On page 3, lines 6 and 7, strike "public and private" and insert "public-private".

2. On page 5, line 1, strike "purpose" and insert "purposes".

3. On page 6, line 1, after "with" insert "owners of"; and in line 2 strike "airport owners" and insert "airports".

LEGISLATIVE BILL 1184A. Placed on Select File.
LEGISLATIVE BILL 880. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 163 and 163A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 163

The following changes, required to be reported for publication in the Journal, have been made:
ER6254

1. In the R. Johnson amendment, AM2755, on page 2, line 12, "Recovery and Conservation" has been struck and "Conservation and Recovery" inserted.

2. In the R. Johnson amendment, AM2268:

a. On page 1, line 9, "sections 1 to 7 of" has been inserted after "administering";

b. On page 2, line 2, "department" has been struck and "Department of Revenue" inserted; and in line 21 a comma has been inserted after "permits"; and

c. On page 3, line 4, a comma has been inserted after "permits"; and in line 23 the period has been struck and "; and" inserted.

3. On page 1, line 1, "reduction and recycling" has been struck and "management" inserted; in line 6 "for waste reduction and recycling programs and projects" has been inserted after "grants" and "and" has been struck; and in line 7 "; to provide for a comprehensive waste management plan; to appropriate funds; and to provide severability" has been inserted after "grants".

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 542. E & R amendment, AM7127, found in the Journal on page 728 for the Twenty-Fifth Day, was adopted.

Mr. Lindsay renewed his pending amendment, AM2568, found in the Journal on page 1047.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 965. Mr. Conway renewed his pending amendment, AM2453, printed separately from the Journal and referred to on page 931.

The Conway amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway offered the following amendment:
FA394
Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The Conway amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 313. E & R amendment, AM7146, found in the Journal on page 839 for the Twenty-Ninth Day, was adopted.

Mr. Coordsen renewed his pending amendment, AM2646, found in the Journal on page 908.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hall moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2653 to LB 313.

Mr. Schmit and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Hall requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 18:

Abboud	Bernard-Stevens	Conway	Hartnett	Korshoj
Ashford		Hall	Johnson, R.	Kristensen

Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Wesely
Withem

Voting in the negative, 17:

Baack
Barrett
Beck
Beyer
Coordsen
Elmer
Hefner
Johnson, L.
Lamb
Langford
Moore
Peterson
Rogers
Smith
Warner
Wehrbein
Weihing

Present and not voting, 9:

Byars
Crosby
Dierks
Goodrich
Hannibal
Pirsch
Robak
Schellpeper
Scofield

Excused and not voting, 5:

Chambers
Chizek
Haberman
Schimek
Schmit

The Hall motion to suspend the rules lost with 18 ayes, 17 nays, 9 present and not voting, and 5 excused and not voting.

Mr. McFarland offered the following amendment:
AM2813

(Amendments to Standing Committee amendments, AM2428)

1. On page 1, line 9, strike "fifty-five" and insert "sixty-five"; and strike beginning with "Commencing" in line 11 through line 16 and show the old matter as stricken.

Ms. Scofield asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud
Ashford
Conway
Dierks
Hall
Hartnett
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Wesely
Withem

Voting in the negative, 24:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb
Langford
Moore
Peterson
Rogers
Schellpeper
Smith
Warner
Wehrbein
Weihing

Present and not voting, 2:

Johnson, R.
Pirsch

Excused and not voting, 6:

Chambers
Chizek
Haberman
Schimek
Schmit
Scofield

The McFarland amendment lost with 17 ayes, 24 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 313A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 923. E & R amendment, AM7147, found in the Journal on page 860 for the Thirtieth Day, was adopted.

Mrs. Crosby withdrew her pending amendment, AM2628, found in the Journal on page 908.

Mr. Hannibal withdrew his pending amendment, AM2652, found in the Journal on page 976.

Mr. Wesely withdrew his pending amendment, AM2532, found in the Journal on page 1003.

Mr. Wesely offered the following amendment:
AM2825

1. Insert the following new section:

"Sec. 3. That section 71-6312, Revised Statutes Supplement, 1988, be amended to read as

follows:

71-6312. (1) A person or business entity which engages in an asbestos project without a valid license, except as otherwise provided in the Asbestos Control Act, shall be assessed a civil penalty of not less than five thousand dollars nor more than twenty-five thousand dollars for the first offense and not less than twenty-five thousand dollars nor more than one hundred thousand dollars for a second or subsequent offense. Each day a violation continues shall constitute a separate offense.

(2) A person who engages in an asbestos occupation without a valid certificate, except as otherwise provided in the act, shall be assessed a civil penalty of not less than five hundred dollars nor more than five thousand dollars for the first offense and not less than one thousand dollars nor more than fifteen thousand dollars for the second or subsequent offense. Each day a violation continues shall constitute a separate offense.

(3) Any business entity which engages in an asbestos project but which uses employees who do not hold a certificate shall be assessed a civil penalty of not less than five hundred dollars nor more than five thousand dollars for the first offense and not less than five thousand dollars nor more than ten thousand dollars for a second or subsequent offense. Each day a violation continues shall constitute a separate offense.

~~(3)~~ (4) The civil penalties prescribed in subsections (1), ~~and~~ (2), and (3) of this section shall be assessed in a civil action brought for such purpose by the Attorney General in the district court of the county in which the violation occurred.

~~(4)~~ (5) A person or business entity which has been assessed a civil penalty under this section and subsequently engages in an asbestos project or an asbestos occupation without a valid certificate or license or which uses employees who do not hold a certificate, except as otherwise provided in the Asbestos Control Act:

(a) For a first offense, shall be guilty of a Class I misdemeanor; and

(b) For a second or subsequent offense, shall be guilty of a Class IV felony.".

2. On page 7, line 1, strike "and" and insert a comma; and in line 2 after the first comma insert "and 71-6312,".

3. Renumber the remaining sections accordingly.

Mrs. Pirsch and Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bernard-Stevens
Coordsen
Dierks
Hall
Hartnett
Hefner
Korshoj
Labedz
Lamb
Landis
Lynch
McFarland
Morrissey
Nelson
Robak
Schellpeper
Weihing

Voting in the negative, 1:

Langford

Present and not voting, 22:

Baack
Barrett
Beck
Beyer
Byars
Conway
Crosby
Elmer
Goodrich
Hannibal
Johnson, L.
Johnson, R.
Kristensen
Lindsay
Moore
Peterson
Rogers
Smith
Warner
Wehrbein
Wesely
Withem

Absent and not voting, 1:

Ashford

Excused and not voting, 8:

Abboud
Chambers
Chizek
Haberman
Pirsch
Schimek
Schmit
Scofield

The Wesely amendment lost with 17 ayes, 1 nay, 22 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

LEGISLATIVE BILL 855. Advanced to E & R for engrossment.
LEGISLATIVE BILL 855A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1032. E & R amendment, AM7169, found in the Journal on page 980 for the Thirty-Fourth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1236. E & R amendment, AM7170, found in the Journal on page 980 for the Thirty-Fourth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 260. E & R amendment, AM7172, found in the Journal on page 1032 for the Thirty-Sixth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 260A. E & R amendment, AM7173, found in the Journal on page 1033 for the Thirty-Sixth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 594. E & R amendment, AM7175, found in the Journal on page 1116 for the Thirty-Seventh Day, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM2828

1. On page 17, line 8, strike "a significant", show as stricken, and insert "any".

Mr. Dierks asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM2827

1. On page 17, line 6, after “hearing” insert “held prior to issuance of a license”.

Mr. Dierks asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM2826

1. On page 4, line 18, strike “sovereignty” and insert “structure”.

Mr. Landis asked unanimous consent to print the following amendment to LB 953A in the Journal. No objections. So ordered.

AM2841

(Amendments to Final Reading copy)

1. Strike the original section and insert the following new sections:

“Section 1. That section 30-2485, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2485. (a) All claims against a decedent's estate which arose before the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) Within ~~within~~ two months after the date of the first publication of notice to creditors if notice is given in compliance with ~~section~~ sections 25-520.01 and 30-2483, except that ~~; PROVIDED,~~ claims barred by the nonclaim statute at the decedent's domicile before the first publication for claims in this state are also barred in this state. If any creditor has a claim against a decedent's estate which arose before the death of the decedent and which was not presented within the time allowed by this subdivision, including any creditor who did not receive notice, such creditor may apply to the court within sixty days after the expiration date

provided in this subdivision for additional time and the court, upon good cause shown, may allow further time not to exceed thirty days;

(2) Within ~~within~~ three years after the decedent's death, if notice to creditors has not been ~~published~~ given in compliance with sections 25-520.01 and 30-2483.

(b) All claims, other than for administration expenses, against a decedent's estate which arise at or after the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) A ~~a~~ claim based on a contract with the personal representative, within four months after performance by the personal representative is due;

(2) Any ~~any~~ other claim, within four months after it arises.

(c) Nothing in this section affects or prevents:

(1) Any ~~any~~ proceeding to enforce any mortgage, pledge, or other lien upon property of the estate; or

(2) To ~~to~~ the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he or she is protected by liability insurance.

Sec. 2. That original section 30-2485, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, strike beginning with "appropriations" in line 1 through "1990" in line 4 and insert "decedents' estates; to amend section 30-2485, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to claims against decedents' estates; and to repeal the original section".

Mr. Withem asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2820

1. In the Standing Committee amendments, AM2309, on page 2, line 4, strike "strike lines 7 through 9 and" and insert "after line 6"; in line 10 after the second semicolon insert "in line 7 strike '(15)' and insert '(17)'; in line 9 after 'all' insert 'nonrefundable';" and strike "(17)" and insert "(18)"; in line 11 strike "(18)" and insert "(19)"; in line 12 strike "(19)" and insert "(20)"; in line 13 strike "(20)" and insert "(21)"; in line 15 strike "(21)" and insert "(22)"; in line 17 before "21" insert "and" and strike ", and"; and in line 18 strike "23".

2. On page 8, line 8, after "system" insert "to provide support for the distribution of aid to districts as determined in subsections (2) through (4) of this section and sections 6 to 13 of this act".

3. On page 26, strike beginning with "over" in line 12 through "year" in line 14 and insert "of its total general fund budget of operating expenditures".

4. On page 31, line 11, strike "The" and insert "Except for the representative of the Legislative Council, who shall be selected by the Executive Board of the Legislative Council, the".

Mr. Conway asked unanimous consent to print the following amendment to LB 1094 in the Journal. No objections. So ordered.

AM2779

1. On page 3, line 14, after the period insert "Nothing in this subsection shall alter or eliminate any insurance licensing requirements.".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 1080 in the Journal. No objections. So ordered.

AM2800

1. Insert the following new sections:

"Section 1. That section 71-1,258, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1,258. (1) A person shall be qualified to be a certified master social worker if he or she (a) has a doctorate or a master's degree in social work from an approved educational program, (b) has had a minimum of at least three thousand hours of experience, in addition to the master's or doctorate degree, in social work under the supervision of a certified master social worker, (c) provides evidence to the board that he or she meets the requirements of subdivisions (1)(a) and (1)(b) of this section, and (d) satisfactorily passes an examination approved by the board. The department, upon the recommendation of the board, may adopt and promulgate rules and regulations defining the experience required under subdivision (1)(b) of this section.

(2) A person shall be qualified to be a certified social worker if he or she:

(a) Provides evidence to the board that he or she has a baccalaureate or master's degree in social work:

(i) ~~from~~ From an approved educational program; or

(ii) ~~from~~ From any program of social work education and training in which the person was enrolled between July 17, 1983, and October 1, 1987, if the person applies to the department for a certificate by October 1, 1990;

(b) Applies to the department for a certificate by October 1, 1991, and provides evidence to the board that he or she:

(i) Has a baccalaureate or master's degree in a field related to social work, such as, psychology, sociology, gerontology, human services, human development, family relations, or counseling; and

(ii) Has been actually engaged in the practice of social work for at least one thousand hours in a nursing home; or

(c) Applies to the department for a certificate by October 1, 1991, and provides evidence to the board that he or she has been actually engaged in the practice of social work in a nursing home at least twenty hours per week for at least three of the seven years prior to making such application.

For purposes of this subsection, actually engaged in the practice of social work may include (i) services and activities provided under the direct supervision of a person with at least a master's degree in social work from an approved educational program or (ii) services and activities which are classified by title or description of duties and responsibilities as social work practice. ~~, and (b) provides evidence to the board of his or her professional education.~~

Sec. 2. That section 71-1,260, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1,260. (1) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified master social work, a certificate to practice as a certified master social worker shall be issued without examination to any applicant who (a) applies to the department for a certificate by October 1, 1987, (b) satisfies the board that he or she has had at least three thousand hours of experience in the practice of social work~~,~~ in addition to the master's or doctorate degree. and (c) satisfies the educational requirements established in subsection (1) of section 71-1,258.

(2) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified social work, a certificate to practice as a certified social worker shall be issued to any applicant who (a) applies to the department for a certificate ~~by October 1, 1987,~~ and satisfies the educational requirements of ~~subsection~~ subdivision (2)(a) of section 71-1,258 ~~on July 17, 1986,~~ or (b) applies to the department for a certificate by October 1, 1991, and satisfies the educational and practice requirements of subdivision (2)(b) of section 71-1,258 or satisfies the practice requirements of subdivision (2)(c) of section 71-1,258. ~~provides evidence to the board that he or she has been actually engaged in the practice of social work at least twenty hours per week for at least three of the seven years prior to July 17, 1986. For purposes of this subsection, actual engagement in the practice of social work may include (i) services and activities provided under the direct supervision of a person with at least a master's degree in social work from an approved educational program, (ii) services and activities for which a baccalaureate degree in social work or in a related field of study is required, or (iii) services and activities which are classified by title or~~

~~description of duties and responsibilities as social work practice.~~ An applicant shall submit all materials, as the board or department may require, to determine his or her qualifications for a certificate to practice as a certified social worker and to determine his or her compliance with the requirements of this subsection. Failure to comply with these provisions shall be sufficient grounds to reject an application for a certificate to practice as a certified social worker under subdivision ~~(2)(b)~~ (b) of this ~~section~~ subsection".

2. On page 2, line 5; and page 7, line 2, strike "2" and insert "4".

3. On page 25, line 1, after "sections" insert "71-1,258, 71-1,260,".

4. Renumber the remaining sections accordingly.

Mr. Byars asked unanimous consent to print the following amendment to LB 1222 in the Journal. No objections. So ordered.

AM2824

1. Insert the following new section:

"Sec. 13. Notwithstanding any other provision of law, the Director of Social Services shall have the authority through rule or regulation to establish payment rates for children with special needs who are in foster care and in the custody of the Department of Social Services. For purposes of this section, special needs may include, but shall not be limited to, costs associated with a child's age or physical, emotional, or behavioral needs.".

2. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LR 258 Tuesday, March 13, 1990 12:00 Noon

(Signed) Dennis Baack, Chairperson

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 955. Placed on General File.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 260. No objections. So ordered.

MOTION - Reconsider Action on LB 923

Mr. Wesely moved to reconsider the Wesely amendment, AM2825, to LB 923.

Laid over.

VISITORS

Visitors to the Chamber were 12 seniors and teacher from Diller.

ADJOURNMENT

At 5:09 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 6, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 6, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Warner and Wehrbein who were excused; and Messrs. Abboud, Ashford, Conway, Coordsen, Haberman, Hall, R. Johnson, Kristensen, Landis, Lindsay, McFarland, Schmit, Mmes. Beck, Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

REPORT

Received summaries of the Greater Nebraska Title II Job Training Plan and the Greater Nebraska Title III Job Training Plan for July 1, 1990 to June 30, 1992.

RESOLUTION

LEGISLATIVE RESOLUTION 266. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, Kearney State College and the Board of Trustees of the Nebraska State Colleges have determined that additional student housing facilities are required in order to provide for the housing needs of an increased student population at Kearney State College; and

WHEREAS, architectural plans for the construction of two student housing facilities at Kearney State College have been developed and submitted to the Legislature for review; and

WHEREAS, a viable financing plan for the construction of such facilities, including the issuance of revenue bonds in an amount sufficient to generate net proceeds of $5,250,000 and the expenditure of $1,208,811 of revenue bond surplus funds, has been developed and submitted to the Legislature for review; and

WHEREAS, pursuant to a resolution authorized by the board of trustees on February 2, 1990, the board does request the approval of the Ninety-first Legislature for Kearney State College to construct additional student housing facilities and does request approval of the financing plan to pay the cost of the construction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That pursuant to section 85-404, plans submitted to the Legislature for the construction of two additional student housing facilities at Kearney State College, including financing plans, are approved.
2. That pursuant to section 85-408, the component of the financing plans set out in this resolution proposing expenditure of $1,208,811 of revenue bond surplus funds is specifically approved.
3. That the total project cost of the proposed new student housing facilities at Kearney State College, excluding sums previously expended for planning and costs of debt issuance and financing, not exceed $6,458,811.
4. That the resolution of the Board of Trustees of the Nebraska State Colleges, dated February 2, 1990, and referred to in this resolution is approved.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM2829

1. Insert the following new section:

"Section 1. That section 46-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-208. The Department of Water Resources shall exercise the powers and perform the duties formerly assigned to the state board of irrigation, highways and drainage.

The Director of Water Resources and his or her duly authorized assistants shall have access at all reasonable times to all dams, reservoirs, hydroelectric plants and headgates, and other devices for diverting water~~,~~ for the purpose of performing the duties assigned to the department.

The position of assistant director shall terminate on the effective date of this act.".

2. On page 3, line 5, strike "2, 3, and 5" and insert "3, 4, and 6".

3. On page 4, line 15, strike "3" and insert "4".

4. On page 9, line 23, strike "5" and insert "6".

5. On page 10, line 20, strike "5" and insert "6".

6. On page 14, line 25, strike "5" and insert "6".

7. On page 15, line 7, strike "5" and insert "6".

8. On page 22, line 16, after "original" insert "section 46-208, Reissue Revised Statutes of Nebraska, 1943,".

9. Renumber remaining sections accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 1238 in the Journal. No objections. So ordered.

AM2830

1. On page 12, line 12, after "facility" insert ". Every effort shall be made to hold such

meetings where all interested parties can be accommodated and to ensure that all aspects of such meetings are in compliance with sections 84-1408 to 84-1414".

RESOLUTIONS

LEGISLATIVE RESOLUTION 262. Read. Considered.

LR 262 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 263. Read. Considered.

LR 263 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 264. Read. Considered.

Messrs. Hannibal, Chambers, Rogers, Mmes. Nelson, Smith, and Ms. Scofield asked unanimous consent to have their names added as co-introducers to LR 264. No objections. So ordered.

MR. HANNIBAL PRESIDING

LR 264 was adopted with 19 ayes, 14 nays, and 16 not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 265. Read. Considered.

LR 265 was adopted with 29 ayes, 0 nays, and 20 not voting.

GENERAL FILE

LEGISLATIVE BILL 42A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 2 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 220A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 369A. Title read. Considered.

Mr. Conway offered the following amendment:
AM2846

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $2,000 from the General Fund for FY1990-91 and (2) $2,000 from the General Fund for FY1991-92, to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 369, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining section accordingly.

The Conway amendment was adopted with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 880A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 3 nays, 10 present and not voting, and 11 excused and not voting.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 923A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1090A. Title read. Considered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for review with 26 ayes, 6 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1059. Title read. Considered.

Standing Committee amendment, AM2309, found in the Journal on page 579 for the Eighteenth Day, was considered.

Mr. Lamb offered the following amendment to the Standing Committee amendment:
AM2848
(Amendments to Standing Committee amendments, AM2309)

1. Strike original amendment 10 and insert the following new amendment:
"10. On page 17, line 12, strike 'Each' and insert 'Subject to the requirement that, for any school year after school year 1989-90, a district shall not receive less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90, each'.".

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman requested a record vote on the Lamb amendment.

Voting in the affirmative, 14:

Haberman
Hefner
Johnson. L.
Kristensen
Labedz
Lamb
Langford
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Smith

Voting in the negative, 25:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Landis
Lindsay
Lynch

Moore
Morrissey
Pirsch
Schimek
Scofield
Weihing
Withem

Present and not voting, 2:

Chambers
Wesely

Excused and not voting, 8:

Abboud
Ashford
Coordsen
Johnson, R.
Korshoj
McFarland
Warner
Wehrbein

The Lamb amendment lost with 14 ayes, 25 nays, 2 present and not voting, and 8 excused and not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 33 ayes, 1 nay, 7 present and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

AM2754

(Amendments to AM2588)

1. On page 1, line 11, after "provider" insert "shall receive training by the attending physician or registered nurse of at least two hours per procedure and"; and in line 12 after "physician" insert "or a registered nurse".

VISITORS

Visitors to the Chamber were John Brawand from Kearney; 13 students and teacher from Madonna School, Omaha; eight students and sponsor from Adams High School; 20 ninth grade students and teacher from Friend; Superintendent M. L. Smith from Odell Public School; four students from Stromsburg High School; and three students and sponsor from Nebraska Lutheran School, Waco.

RECESS

At 11:54 a.m., on a motion by Mr. Moore, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Coordsen, R. Johnson, Korshoj, McFarland, and Warner who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1059. Considered.

Mrs. Labedz renewed her pending amendment, AM2349, found in the Journal on page 605.

Mrs. Labedz withdrew her pending amendment.

Mr. Hefner renewed his pending amendment, AM2385, found in the Journal on page 649.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hefner amendment was adopted with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

Mr. Haberman withdrew his pending amendment, AM2454, found in the Journal on page 717.

Mr. Haberman renewed his pending amendment, AM2615, found in the Journal on page 1141.

Mr. Morrissey offered the following amendment to the pending Haberman amendment:
FA395
on line 2 after the word on, insert agricultural machinery & equipment

Mr. Morrissey withdrew his pending amendment.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Chambers requested a record vote on the Haberman amendment.

Voting in the affirmative, 13:

Abboud
Ashford
Beck
Beyer
Chambers
Haberman
Labedz
Lindsay
Pirsch
Rogers
Smith
Weihing
Wesely

Voting in the negative, 26:

Baack
Barrett
Bernard-Stevens
Chizek
Conway
Crosby
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Lamb
Landis
McFarland
Moore
Morrissey
Nelson
Schellpeper
Schimek
Schmit
Scofield
Warner
Wehrbein
Withem

Present and not voting, 9:

Byars
Dierks
Elmer
Johnson, R.
Korshoj
Langford
Lynch
Peterson
Robak

Excused and not voting, 1:

Coordsen

The Haberman amendment lost with 13 ayes, 26 nays, 9 present and not voting, and 1 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 1126. Placed on General File as amended.
Standing Committee amendment to LB 1126:
AM2849

1. Strike the original sections and insert the following new section:

"Section 1. It is the intent of the Legislature to increase the rates paid to personal care aides under the Title XIX Medicaid Program to five dollars per hour for aides who have completed training.

There is hereby appropriated $180,634 from the General Fund and $299,028 from federal funds for fiscal year 1990-91, to the Department of Social Services, for Program 348, for state aid, which shall be used only for such purpose. There is hereby appropriated $149,371 from the General Fund and $251,194 from federal funds for fiscal year 1991-92, to the Department of Social Services, for Program 348, for state aid, which shall be used only for such purpose.".

(Signed) Jerome Warner, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 267. Introduced by Beyer, 3rd District.

WHEREAS, Gretna High School performed a one-act play "Dark Moon", directed by Carole Carraher and including a cast of 40 students, which is unusual participation for a one-act play; and

WHEREAS, the production won the district competition and the Class B State Championship Play Production for the third consecutive year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby extends its congratulations to Gretna High School, the cast, the director, and all others who participated in making the show a success.
2. That a copy of this resolution be sent to the principal of Gretna High School.

Laid over.

LEGISLATIVE RESOLUTION 268. Introduced by Beyer, 3rd District.

WHEREAS, Gretna High School has been named by the State Department of Education as winner of the small school division of the Excellence in Art Education Award; and

WHEREAS, this award recognizes excellence in music, drama, art, and creative writing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Gretna High School on the receipt of this award.
2. That a copy of this resolution be sent to the principal of Gretna High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendments to LB 1059 in the Journal. No objections. So ordered.

(1)

AM2855

1. On page 23, line 11, strike "For" and insert "Beginning with" and after "1990-91" insert "and each school year thereafter"; and in line 12 strike ". The" and insert ", and the".

(2)

AM2845

1. Insert the following new section:

"Sec. 34. Section 9 of this act shall become operative on January 1, 1992. The other sections of this act shall become operative on their effective date.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 520, 520A, 662, and 662A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 520

The following changes, required to be reported for publication in the Journal, have been made:

ER6253

1. In the Schellpeper amendment, AM2415:

a. On page 2, line 6, the paragraphing and "(2)" have been struck; and in line 9 paragraphing and "(2)" have been inserted before "Selection"; and

b. On page 3, lines 6, 10, and 11, "approved" has been inserted before "nursing".

Enrollment and Review Change to LB 662

The following changes, required to be reported for publication in the Journal, have been made:

ER6255

1. In the Scofield amendment, AM2690, on page 1, line 4, the first period has been struck; and in line 10 "advocacy" has been struck and "advocate" inserted.

2. In the Scofield amendment, AM2211, on page 6, line 16, "(3)" has been struck and "(c)" inserted.

3. In the E & R amendment, AM7099, on page 1, line 2, "AM0785" has been struck and "FA310" inserted.

4. On page 6, line 18, a comma has been inserted after "statewide".

5. On page 7, line 2, "start-up" has been struck and "startup" inserted.

6. On page 15, line 6, "advocacy" has been struck and "advocate" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1059. Mr. Hall offered the following amendment:
AM2794

1. Insert the following new section:

"Sec. 29. That section 77-2715.02, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A, B, and E shall be the same as for the federal rate schedules in effect for tax year 1987;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .64, .98, 1.52, 1.87, and 1.87;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to ~~tenths of one percent, except for the primary rate which shall be expressed in~~ hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be seven times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemptions and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.".

2. On page 50, line 13, after the first comma insert "77-2715.02,".

3. Renumber remaining sections accordingly.

The Hall amendment was adopted with 30 ayes, 0 nays, and 19 present and not voting.

Mr. Withem renewed his pending amendment, AM2820, found in the Journal on page 1163.

The Withem amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Mr. Dierks offered the following amendment:
AM2837

1. On page 20, line 9, after "year" insert ", except that receipts from the Community Improvements Cash Fund created in section 81-15,113.01 and any receipts acquired through the Low-Level Radioactive Waste Disposal Act shall not be included".

The Dierks amendment was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 265, LR 264, LR 263, and LR 262.

GENERAL FILE

LEGISLATIVE BILL 1059. Considered.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 38 ayes, 1 nay, and 10 not voting.

Mr. Moore requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 12:

Abboud
Ashford
Beck
Chambers
Hannibal
Labedz
Lamb
Langford
McFarland
Peterson
Robak
Schmit

Present and not voting, 3:

Haberman
Pirsch
Warner

Advanced to E & R for review with 34 ayes, 12 nays, and 3 present and not voting.

LEGISLATIVE BILL 1059A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 5 nays, and 9 present and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1063A. Introduced by Crosby, 29th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1063, Ninety-first Legislature, Second Session, 1990.

RESOLUTION

LEGISLATIVE RESOLUTION 269. Introduced by Korshoj, 16th District.

WHEREAS, the Blair Bears girls high school basketball team won the Class B Girls' State High School Basketball Tournament on March 3, 1990; and

WHEREAS, this was the second straight championship in as many years; and

WHEREAS, the Blair Bears earned the title by beating the number three, two, and one ranked teams; and

WHEREAS, the team displayed outstanding effort, ability, and endurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations to the Blair Bear girls high school basketball team.
2. That a copy of this resolution be sent to Coach Marty Rogers and to the team in recognition of their accomplishments.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1146 in the Journal. No objections. So ordered.

AM2834

1. Insert the following new sections:

"Sec. 2. That section 77-2321, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2321. The depository furnishing securities as set forth in section 77-2320 shall have the right at any time and without prior approval to substitute other ~~approved~~ securities of equal value in lieu of securities already deposited, except that such securities substituted shall be those provided for in section 77-2320. At all times the total value of the securities on deposit shall be in an amount equal to or greater than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation, except that in the case of the deposit of municipal bonds alone, the total value shall equal ten percent more than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation. Following any substitution of securities pursuant to this section, the county treasurer shall report such substitution at the next meeting of the county board. ~~pledged if it so desires at any time. In counties having a population of two hundred thousand inhabitants or more the county board may by resolution authorize the county treasurer to accept the substitution of other approved securities in lieu of securities already pledged and report such action at the next meeting of the county board. If the action of the treasurer in accepting such substitution shall not be approved by the board at such first meeting, then the depository shall be required to deposit securities satisfactory to the board or the treasurer shall withdraw the deposit within three days. Such securities substituted must, however, be those provided for in section 77-2320 and approved by the members of the county board, the total value of which in the case of bonds alone shall at all times equal ten percent more than the maximum amount of the deposit to~~

~~which the bank or capital stock financial institution is entitled.~~

Sec. 3. That section 77-2326.01, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2326.01. ~~As used in~~ For purposes of sections ~~77-2326.01~~ 77-2313 to 77-2326.09, (1) ~~the term~~ county board shall include county commissioners or county supervisors, as the case may be, and (2) ~~the term~~ public money shall include all funds which come into the hands of county judges, clerks of the county court, or clerks of the district court pursuant to any provision of law authorizing such officers to collect or receive the same.

Sec. 4. That section 77-2326.04, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.04. (1) No deposits in excess of the amount insured by the Federal Deposit Insurance Corporation ~~or the Federal Savings and Loan Insurance Corporation~~ shall be made to accumulate in any bank or capital stock financial institution designated as a depository unless and until the county judge, clerk of the county court, or clerk of the district court, as the case may be, has received from such depository as security for the prompt repayment by the depository of his or her respective deposits in excess of the amount insured by the Federal Deposit Insurance Corporation ~~or the Federal Savings and Loan Insurance Corporation~~ either a surety bond in form and with corporate sureties approved by the county judge or judges or by formal resolution of the county board, as the case may be, or in lieu thereof a pledge of or grant of a security interest in:

(a) Bonds, notes, certificates of indebtedness, or treasury bills of the United States Government of any issue;

(b) Obligations fully and unconditionally guaranteed both as to principal and interest by the United States or bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration;

(c) Bonds of any county, city, village, or school district of this state which have been issued and registered as required by law;

(d) Loan participations which carry the guarantee of the Commodity Credit Corporation, an instrumentality of the United States Department of Agriculture; or

(e) Registered warrants of any county, city, or school district of this state.

(2) The delivery by the bank or capital stock financial institution designated as a depository to the county judge, clerk of the county court, or clerk of the district court, as the case may be, of a written receipt or acknowledgment from a Federal Reserve Bank or branch thereof or some other bank, capital stock financial institution, or trust company in this state, other than the bank or capital stock financial institution granting the security interest, that includes the name and title of such public officer, describes securities identified on the books or records of the depository, and provides that the securities or the proceeds of securities will be delivered only upon surrender of the receipt or the acknowledgment duly executed by the public officer designated thereon and by the authorized representative of the depository shall, together with such public officer's actual and continued possession of such receipt or acknowledgment, constitute a valid and perfected security interest in favor of such public officer in and to the securities so identified. Article 9, Uniform Commercial Code, shall not apply to any security interest arising under this section. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 5. That section 77-2326.08, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.08. The depository pledging or granting a security interest in bonds or securities under sections 77-2326.01 to 77-2326.09 shall have the right to substitute therefor from time to time other and different bonds and securities of equal value within the foregoing requirements and to withdraw all or any part of such bonds or securities so pledged or in which a security interest has been granted upon repayment to the clerk of the county court or clerk of the district court of the value of the bonds or securities thus withdrawn. Each depository shall furnish directly to the county board a sworn monthly statement of the funds of the county judge, clerk of the county court, and clerk of the district court on deposit in such depository. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 6. That section 77-2326.09, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.09. ~~Neither the clerks~~ The clerk of the county court, the clerk of the district court, ~~nor~~ their deputies or other employees, and ~~nor~~ their sureties shall not be liable for any loss resulting from the failure of any bank or capital stock financial institution as to any such deposits made and maintained as provided in sections 77-2326.01 to 77-2326.09.”.

2. On page 5, line 4, strike “section 8-903” and insert “sections 8-903 and 77-2326.01”; and in line 5 strike “is” and insert “and sections 77-2321, 77-2326.04, 77-2326.08, and 77-2326.09, Revised Statutes Supplement, 1989, are”.

3. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendments to LB 1059 in the Journal. No objections. So ordered.

(1)

AM2474

1. On page 23, line 14, after the period insert “The allowable growth rate and the allowable growth range percentage shall remain at the level established for the immediately preceding school year unless the Legislature passes legislation specifically changing such rate or percentage.”.

(2)

AM2803

1. Strike original sections 14 to 21 and all amendments thereto.

2. On page 3, line 1; and page 43, line 18, strike “24” and insert “16”.

3. On page 4, line 21, after the underscored semicolon insert "and"; and strike beginning with the underscored semicolon in line 24 through line 25.

4. On page 5, strike beginning with line 1 through "districts" in line 4.

5. On page 6, strike beginning with "General" in line 18 through "(13)" in line 22; and in line 24 strike "(14)" and insert "(13)".

6. On pages 7 and 8, renumber the remaining subsections accordingly.

7. On page 30, line 19, after the semicolon insert "and"; and strike beginning with the semicolon in line 23 through line 25 and insert an underscored period.

8. On page 31, strike line 1; and in line 20 strike beginning with the first comma through the second comma.

9. On page 32, line 2, after the comma insert "and"; and strike beginning with the comma in line 3 through "patterns" in line 4.

10. On page 38, line 24, strike "21" and insert "13".

11. Renumber the remaining sections accordingly.

(3)

AM2805

1. Strike original sections 14 to 21 and all amendments thereto and insert the following new sections:

"Sec. 14. For purposes of sections 14 to 16 of this act:

(1) Adopted budget statement shall have the definition found in section 13-503;

(2) Base year shall mean fiscal year 1989-90;

(3) Fiscal year shall have the definition found in section 13-503;

(4) Governing body shall have the definition found in section 13-503;

(5) Growth shall mean any property tax revenue received as the result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any personal property not listed for taxation in the

previous year but shall not include any increased property tax revenue received due to a change in valuation of a class or subclass of property or to revaluations of individual properties;

(6) Property taxes shall mean all revenue received from the levy of taxes on real and personal property except motor vehicles, including receipts from reimbursements under sections 77-3523 and 77-4205, but shall not include nonresident high school tuition funds or property taxes collected for retirement of bonded indebtedness or, for all fiscal years after fiscal year 1990-91, revenue received as a result of growth; and

(7)(a) For political subdivisions other than school districts, state aid shall mean anticipated receipts from state tax sources but shall not include:

(i) Receipts from nonrecurring special grants, loans, or contracts intended to fully or partially fund special projects or programs or to match specific federal grants;

(ii) Reimbursements under sections 77-3523 and 77-4205;

(iii) Distributions under the Municipal Infrastructure Redevelopment Fund Act, under the Special Education Act, under the Wastewater Treatment Facilities Construction Assistance Act, under sections 2-1586 to 2-1595, 3-148, 39-2215, and 77-913, and from the Temporary School Fund; and

(iv) Funds used to pay for the first year's implementation of any new program established by state law; and

(b) For school districts, state aid shall have the definition found in section 3 of this act.

Sec. 15. Except as provided in section 16 of this act, no governing body of any political subdivision shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated combined receipts from state aid and property taxes, for any fiscal year beginning with fiscal year 1990-91, exceed the total of (a) the receipts from state aid and property taxes for the base year, compounded annually at the rate of six percent for fiscal year 1990-91 and four percent for each fiscal year thereafter, and (b) the amount for new programs as designated by the

Legislature, compounded at four percent from the year of implementation.

For political subdivisions that consolidate after the operative date of this act, the percentage increase shall be computed based on the combined receipts from state aid and property taxes of the subdivisions in the fiscal year immediately preceding consolidation.

Sec. 16. (1) If a majority of the members of the governing body of a political subdivision determines that an increase in property taxes greater than the increase permitted by section 15 of this act is required for the coming fiscal year, the governing body shall call a special election for the purpose of placing the question of such increase before the voters. The increase shall be adopted if approved by a majority of those voting on the question. Voting at such special election shall be by those persons who are authorized to vote for members of the governing body of such political subdivision.

(2) Notice of the election held pursuant to subsection (1) of this section shall state the date on which the election is to be held and the hours the polls will be open. The notice shall be published in a newspaper that is published in or of general circulation in the political subdivision at least five days before the election. If no newspaper is published in or of general circulation in the political subdivision, notice shall be posted at least five days before the special election in each of three public places in the political subdivision.

(3) The governing body shall submit the question to the voters in the following form:

The (name of political subdivision) proposes to request a (number) percent increase in the total property taxes levied on its behalf. Such increase is greater than the increase permitted by section 15 of this act.

A vote FOR the proposal will allow the (name of political subdivision) to increase the total property taxes levied by (number) percent.

A vote AGAINST the proposal will limit the (name of political subdivision) to the increase permitted by section 15 of this act.".

2. On page 3, line 1; and page 43, line 18, strike “24” and insert “19”.

3. On page 4, line 21, after the underscored semicolon insert “and”; and strike beginning with the underscored semicolon in line 24 through line 25.

4. On page 5, strike beginning with line 1 through “districts” in line 4.

5. On page 6, strike beginning with “General” in line 18 through “(13)” in line 22; and in line 24 strike “(14)” and insert “(13)”.

6. On pages 7 and 8, renumber the remaining subsections accordingly.

7. On page 30, line 19, after the semicolon insert “and”; and strike beginning with the semicolon in line 23 through line 25 and insert an underscored period.

8. On page 31, strike line 1; and in line 20 strike beginning with the first comma through the second comma.

9. On page 32, line 2, after the comma insert “and”; and strike beginning with the comma in line 3 through “patterns” in line 4.

10. On page 38, line 24, strike “21” and insert “13”.

11. Renumber the remaining sections accordingly.

(4)

AM2475

1. On page 11, line 8, after the period insert “If the total amounts appropriated by the Legislature to the School District Income Tax Fund and the Tax Equity and Educational Opportunities Fund are not sufficient to provide state support of forty-five percent of the aggregate general fund operating expenditures the appropriation for the School District Income Tax Fund may be adjusted to an amount which is less than twenty percent of the resident individual income tax liability allocable to districts.”.

Mr. Lindsay asked unanimous consent to print the following amendments to LB 799 in the Journal. No objections. So ordered.

(1)

AM2860

(Amendments to the E&R amendments, AM7174)

1. On page 19, strike beginning with "Such" in line 13 through line 17 and insert "The notice shall inform the person on how to contact the director in order that the operator may give instructions to the director for the return of the impounded license or permit. The notice shall be mailed by certified or registered mail as provided in subsection (1) of this section. The impounded license or permit shall be mailed by certified or registered mail in accordance with the instructions received by the director.".

(2)

AM2859

(Amendments to AM7174)

1. On page 4, strike beginning with "If" in line 22 through line 24.
2. On page 5, strike the underscored matter in lines 1 through 9.
3. On page 10, strike lines 19 through 24.
4. On page 11, strike beginning with "liters" in line 1 through "urine" in line 3, and strike beginning with "or" in line 8 through "subsection" in line 10.
5. On page 12, line 3, strike "(3)" and insert "(2)"; and strike lines 18 through 24.
6. On page 13, strike lines 1 through 24.
7. On page 14, strike lines 1 and 2; in line 3 strike "(3)" and insert "(2)"; in line 4 strike "or (2)"; and in line 15 strike "(4)" and insert "(3)".
8. On page 17, line 2, after "test" insert "of"; strike beginning with "or" in line 3 through "section" in line 6.

(3)

AM2861

(Amendments to the E&R amendments, AM7174)

1. Insert the following new sections:

"Sec. 7. Any person operating a motor vehicle on the streets or highways of this state who is cited by any law enforcement officer for a moving violation listed in section 8 of this act shall be subject to the administrative revocation procedures provided in sections 39-669.14 to 39-669.18.

Sec. 8. Those offenses subject to the administrative revocation procedures provided in sections 39-669.14 to 39-669.18 shall include:

(1) Motor vehicle homicide as defined in section 28-306;

(2) Racing on highways as defined in section 39-668;

(3) Reckless driving as defined in section 39-669.01 or 39-669.02;

(4) Willful reckless driving as defined in section 39-669.03, 39-669.04, 39-669.05 or 39-669.06; and

(5) Any offense which, upon conviction, would subject the operator of the vehicle to a revocation of his or her license as set forth in section 39-669.26.".

2. On page 19, line 22, strike "section 2" and "sections 2, 7, and 8".

3. Renumber the remaining sections accordingly.

(4)

AM2862

(Amendments to E & R amendments, AM7174)

1. Insert the following new section:

"Sec. 7. Any person who would be subject to administrative revocation as set forth in sections 39-669.14 to 39-669.18 shall be exempt from its enforcement if, in the opinion of the law enforcement officer, a jury of the operator's peers would have reasonable doubt as to the guilt of the operator of the offense as cited by the law enforcement officer.".

2. On page 19, line 22, strike "section 2" and insert "sections 2 and 7".

3. Renumber the remaining sections accordingly.

(5)

AM2863

(Amendments to E & R amendments, AM7174)

1. On page 19, strike beginning with "If" in line 11 through the period in line 15 and insert: "The director shall not return any revoked license or permit

until such time as the operator has proven his or her innocence of the offense for which the operator has been cited. After the operator has proven his or her innocence the director shall send a notice setting forth the time and place the operator may obtain his or her impounded license or permit.".

Messrs. Wesely and Lamb asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

AM2823

(Amendments to Final Reading copy)

1. Strike original section 22.

2. On page 1, lines 1 and 2; and page 28, lines 7 and 8, strike "sections 68-1206 and 71-1914" and insert "section 68-1206".

3. On page 22, lines 11 and 18, strike the new matter and reinstate the stricken matter.

4. Renumber the remaining sections accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2851

(Amendments to Standing Committee amendments, AM2659)

1. On page 57, in lines 1, 2, and 7 strike "212.000" and insert "467,000"; and in lines 12 and 13 strike "320,900" and insert "575,900".

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman and Lynch asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 226. Title read. Considered.

Standing Committee amendment, AM0628, found in the Journal on page 950 for the Thirty-Eighth Day, First Session, 1989, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Messrs. Byars and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. McFarland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Abboud
Ashford
Baack
Bernard-Stevens
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Labedz
Landis
McFarland
Morrissey
Nelson
Robak
Schimek
Wesely
Withem

Voting in the negative, 18:

Barrett
Beck
Beyer
Coordsen
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Moore
Pirsch
Rogers
Schmit
Warner
Wehrbein
Weihing

Present and not voting, 7:

Elmer
Goodrich
Lindsay
Peterson
Schellpeper
Scofield
Smith

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Byars
Haberman
Johnson, R.
Lynch

Failed to advance to E & R for review with 19 ayes, 18 nays, 7 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 843 in the Journal. No objections. So ordered.

AM2840

(Amendments to Standing Committee amendments, AM2225)

1. Strike original amendments 1 and 4 and insert the following new amendments:

“1. Insert the following new section:

‘Sec. 13. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.’.

2. On page 5, lines 9 and 10, strike ‘sections 79-3401 to 79-3417’ and insert ‘section 79-3415’.

3. On page 7, line 7, before the period insert ‘or, for a student who resides in a district which contracts with another district or districts in such student’s grade level, pursuant to section 79-486’; and strike beginning with ‘If’ in line 7 through line 16.

6. On page 11, line 4, after ‘programs’ insert ‘operated by the option district’; in line 5 after ‘of’ insert ‘option’; and in line 8 after the comma insert ‘projected number of students with which the option district will contract based on existing contractual arrangements,’.

7. On page 15, line 19, strike ‘average’.

8. On page 16, strike line 3 and insert ‘shall not be counted by the resident school district and shall be counted by the’; in line 4 after the comma insert ‘(2) the option school district’s computation of insured financial support rate pursuant to section 79-1336 or similar computation pursuant to any successor state aid program for any option student shall be equal to the revenue received from the state pursuant to this section,’ and strike ‘(2)’ and insert ‘(3)’; in line 6 after ‘calculation’ insert ‘of receipts as’ and after ‘by’ insert ‘subdivisions (1) through (9) of’; and in

line 13 strike ‘attended’, show as stricken, and insert ‘was enrolled in’.

9. On page 17, line 2, after ‘cost’ insert ‘of the option school district’; strike beginning with ‘of’ in line 2 through the underscored comma in line 3 and show the old matter as stricken; in line 5 strike ‘79-1338’ and insert ‘79-3332’; and in line 22 after ‘also’ insert ‘sections 79-1103.02 and 79-1103.03, Reissue Revised Statutes of Nebraska, 1943, and’.”.

2. Renumber the remaining amendments accordingly.

Mr. Byars asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2847

1. On page 27, line 1, after the period insert “For purposes of this subdivision, a final order of a court, to which no appeal is taken, which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law.”.

Mr. Withem asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2821

1. On page 24, line 7, strike “fifty” and insert “twenty”.

ADJOURNMENT

At 4:50 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 1990.

Patrick J. O’Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 7, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Phillip Bede, United Methodist Church, DeWitt, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Rogers and Ms. Scofield who were excused; and Messrs. Ashford, Bernard-Stevens, Chizek, Conway, Goodrich, Hall, R. Johnson, Landis, Lindsay, Lynch, McFarland, Moore, Morrissey, Schmit, Warner, Mrs. Labedz, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 267. Read. Considered.

LR 267 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 268. Read. Considered.

LR 268 was adopted with 23 ayes, 0 nays, and 26 not voting.

MOTION - Return LB 259A to Select File

Mr. Withem moved to return LB 259A to Select File for his specific amendment, AM2419, found in the Journal on page 832.

The Withem motion to return prevailed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 259A. The Withem specific amendment, AM2419, found in the Journal on page 832, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for re-engrossment.

MOTION - Return LB 678 to Select File

Mr. Wesely moved to return LB 678 to Select File for the Wesely-Lamb specific amendment, AM2823, found in the Journal on page 1195.

The Wesely motion to return prevailed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 678. The Wesely-Lamb specific amendment, AM2823, found in the Journal on page 1195, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for re-engrossment.

MOTION - Return LB 678 to Select File

Mrs. Beck moved to return LB 678 to Select File for the following specific amendment:
FA396
"Strike from page 9 line 6 through page 28 line 11."

Mrs. Beck withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1022.

A BILL FOR AN ACT relating to the Department of Social Services; to authorize the director to establish payment rates for certain children in foster care and in the custody of the department as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Chizek
Hall
Lindsay
Lynch
Rogers
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 81.

A BILL FOR AN ACT relating to elections; to amend sections 23-151, 31-409.03, and 32-308, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to election of county commissioners in certain counties as prescribed; to change provisions relating to election of drainage district directors; to change provisions relating to election of registers of deeds in certain counties as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Hall
Lindsay
Lynch
Rogers
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 956. With Emergency.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-133, 8-1108.01, 8-1109.02, 8-1507, 8-1509, and 8-1510, Reissue Revised Statutes of Nebraska, 1943, sections 8-141, 8-902.03, 8-1506, and 8-1508, Revised Statutes Supplement, 1988, and sections 8-157, 8-1103, and 8-1111, Revised Statutes Supplement, 1989; to provide for securing deposits as prescribed; to provide an exception to loan limitations; to provide for the acquisition of eligible savings associations; to require bonds from trust companies; to change provisions relating to the application for a bank acquisition; to define terms; to change provisions relating to hearings of and orders by the Director of Banking and Finance; to change provisions relating to transactions exempt from registration; to change provisions relating to the acquisition or merger of failing institutions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Hall
Lindsay
Lynch
Rogers
Schimek
Scofield
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1050 to Select File

Mr. Moore moved to return LB 1050 to Select File for the following specific amendment:
FA397
Strike the enacting clause.

Mr. Moore withdrew his motion to return.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1050.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650, Revised Statutes Supplement, 1988; to change a provision relating to exceeding the tax levy limit; to state intent; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Ashford
Baack
Barrett
Bernard-Stevens
Byars
Chambers
Chizek
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Labedz
Landis
Langford
Lynch
McFarland
Morrissey
Nelson
Peterson
Robak
Schellpeper
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 11:

Abboud
Beck
Beyer
Conway
Korshoj
Kristensen
Lamb
Moore
Pirsch
Schmit
Wesely

Present and not voting, 1:

Hartnett

Excused and not voting, 7:

Hall
Johnson, R.
Lindsay
Rogers
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 863. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska, 1943; to change a reference to the National Electrical Code as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Hall
Johnson, R.
Lindsay
Rogers
Schimek
Scofield
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 922.

A BILL FOR AN ACT relating to oil and gas conservation; to provide a civil penalty as prescribed; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Hall
Johnson, R.
Lindsay
Rogers
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1199.

A BILL FOR AN ACT relating to credit agreements; to amend sections 45-1,112 to 45-1,115, Revised Statutes Supplement, 1989; to define and redefine terms; to change a notice provision; to provide an exemption; to change a provision relating to implied agreements; to provide for applicability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Hall
Johnson, R.
Rogers
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 267 and LR 268.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 579.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-810, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to actions for wrongful death; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Hall	Rogers	Schimek	Scofield	Warner
Johnson, R.				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 830 to Select File

Mr. Wesely moved to return LB 830 to Select File for the following specific amendment:
FA398
Strike the enacting clause.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely withdrew his motion to return.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1022, 81, 956, 1050, and 863.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 830.

A BILL FOR AN ACT relating to public buildings and land; to amend sections 72-811 to 72-814, 72-816, and 72-817, Revised Statutes Supplement, 1988, and section 72-815, Revised Statutes Supplement, 1989; to change provisions relating to vacant state-owned buildings; to provide procedures for disposition of excess state-owned land: to define terms; to rename a committee and a fund; to eliminate a requirement for legislative approval of certain sales; to transfer funds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 1:

Wesely

Present and not voting, 2:

Chambers
Schmit

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 831.

A BILL FOR AN ACT relating to the Land Reutilization Commission; to amend section 77-3203, Reissue Revised Statutes of Nebraska, 1943; to change the number of members on such commission; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 888.

A BILL FOR AN ACT relating to rabies; to amend section 71-4402, Revised Statutes Supplement, 1988; to provide that only licensed veterinarians may purchase rabies vaccine; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen

Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Goodrich
Schmit

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 917.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend section 68-1517, Reissue Revised Statutes of Nebraska, 1943; to eliminate an expenditure limitation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Hannibal
Langford
Moore

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 932.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate a provision which provides for the recapture of certain reimbursements made for lawsuits challenging the taxation of railroad and car company personal property; and to repeal section 77-678, Revised Statutes Supplement, 1988.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 938.

A BILL FOR AN ACT relating to investment advisers; to amend section 8-1102, Reissue Revised Statutes of Nebraska, 1943; to authorize the Director of Banking and Finance to exempt investment advisers from certain contract requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Moore
Morrissey

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 954.

A BILL FOR AN ACT relating to sudden infant death syndrome; to amend section 71-605.04, Reissue Revised Statutes of Nebraska, 1943; to change a provision providing for notification of a death; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 978.

A BILL FOR AN ACT relating to retirement communities and subdivisions; to amend sections 76-1301 and 76-1313, Reissue Revised Statutes of Nebraska, 1943; to change the representation of residents, purchasers, and lessees on the governing body; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars

Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schmit
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 987. With Emergency.

A BILL FOR AN ACT relating to recycling; to amend sections 81-1140.01 to 81-1140.06 and 81-1602, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to state government recycling; to name an act; to define a term; to change the implementing agency; to provide for collection and disposition of state government refuse; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey

Nelson
Peterson
Pirsch
Robak
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 987A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Langford

Excused and not voting, 5:

Rogers Schellpeper Schimek Scofield Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1037.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-701, Revised Statutes Supplement, 1989; to provide that foreign exchange students not be counted in certain membership reports as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Lynch Moore Schmit

Excused and not voting, 5:

Rogers Schellpeper Schimek Scofield Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1067.

A BILL FOR AN ACT relating to state institutions; to amend section 83-186, Reissue Revised Statutes of Nebraska, 1943; to eliminate the advisory committees for the Departments of Social Services, Public Institutions, and Correctional Services; to eliminate the Older Nebraskans Act; to harmonize provisions; and to repeal the original section, and also sections 68-702.01, 68-702.02, 68-702.03, 68-1301, 68-1302, 68-1303, 68-1304, 68-1305, 68-1306, 83-101.06, and 83-101.07, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1077.

A BILL FOR AN ACT relating to bridges; to prohibit recovery of damages arising from exceeding posted weight or load limits; and to provide duties for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch
Schmit

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1102.

A BILL FOR AN ACT relating to corporations; to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943; to provide corporate status as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks

Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chizek
Schmit

Excused and not voting, 5:

Rogers
Schellpeper
Schimek
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1178.

A BILL FOR AN ACT relating to labor; to amend section 48-1232, Revised Statutes Supplement, 1989; to change provisions relating to claims and judgments against an employer by an employee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Smith
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Schmit	Weihing

Excused and not voting, 5:

Rogers	Schellpeper	Schimek	Scofield	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 938, 932, 917, 888, 831, 830, 579, 1199, 922, 954, 978, 987, 987A, 1037, 1067, 1178, 1102, and 1077.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2792

1. Strike original sections 14 to 21 and all amendments thereto.

2. On page 3, line 1, strike “24” and insert “16”; on page 38 strike “21” and insert “13”; and on page 43, lines 17 and 18 strike “and section 24 of this act”.

3. On page 30, line 19, after the semicolon insert “and”; and strike beginning with the semicolon in line 23 through line 25 and insert an underscored period.

4. On page 31, strike line 1; and in line 20 strike beginning with the first comma through the second comma.

5. On page 32, line 2, after the comma insert “and”; and strike beginning with the comma in line 3 through “patterns” in line 4.

6. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 1113 in the Journal. No objections. So ordered.

AM2782

1. On page 21, line 17, strike "family characteristics" and insert "familial status"; and strike beginning with "to" in line 20 through "programs" in line 22.

2. On page 59, strike beginning with "investments" in line 13 through "officer" in line 15 and insert "investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another".

3. On page 61, line 10, reinstate the stricken "heretofore".

4. On page 65, line 8, after "sections" insert "18-1745 to 18-1747,"; in line 10 strike "and"; and in line 11 after the second comma insert "and section 18-1744, Revised Statutes Supplement, 1989,".

Mr. Wesely asked unanimous consent to print the following amendment to LB 315 in the Journal. No objections. So ordered.

AM2865

(Amendments to the E & R amendments, AM7179)

1. On page 13, line 24, after the period insert "An individual shall not be disqualified for benefits pursuant to this subdivision for the refusal of the lawful directive of an employer to provide a body fluid sample or breath sample as provided in section 48-1903 or the use or possession of a controlled substance as defined in section 28-405 if the employer does not provide health insurance coverage for drug or alcohol treatment for the employee or the employer does not provide funding to pay for such treatment for the employee.".

RESOLUTION

LEGISLATIVE RESOLUTION 270. Introduced by Peterson, 21st District.

WHEREAS, during the 1989-90 basketball season, the Battle Creek Bravettes achieved a 24-0 record; and

WHEREAS, on March 3, 1990, the Battle Creek Bravettes basketball team won its fifth state title in Class C-1; and

WHEREAS, the Battle Creek Bravettes basketball team became the first girls basketball team to capture five state championships; and

WHEREAS, the Bravettes have displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, the team members and Coach Bob Schnitzler deserve recognition for their fifth state title.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the team members of the Battle Creek Bravettes basketball team and Coach Schnitzler and recognizes the team as the 1990 Girls State Class C-1 champions.
2. That the Clerk of the Legislature send a copy of this resolution to Coach Bob Schnitzler, Battle Creek High School.

Laid over.

SELECT FILE

LEGISLATIVE BILL 923. Mr. Wesely renewed his pending motion, found in the Journal on page 1168, to reconsider his amendment, AM2825, found in the Journal on page 1158.

The Wesely motion to reconsider prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Wesely amendment, AM2825, found in the Journal on page 1158, was reconsidered.

Mr. Hannibal offered the following amendment to the pending Wesely amendment:

AM2882

(Amendments to AM2825)

1. On page 2, line 3, after "which" insert "knowingly".

The Hannibal amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Wesely amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Lynch renewed his pending amendment, AM2693, found in the Journal on page 1005.

The Lynch amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mrs. Beck offered the following amendment:
AM2316

1. On page 3, line 6, strike “physically” and “by a homeowner”; and in line 7 strike “his or her”.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Beck withdrew her pending amendment.

Mrs. Beck offered the following amendment:
AM2692

1. On page 3, line 6, after “homeowner” insert“, a member of the homeowner’s family, or an unpaid volunteer”; and in line 7 strike “his or her” and insert “the homeowner’s”.

The Beck amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Beck offered the following amendment:
AM2315

1. On page 4, line 21, after the second “asbestos” insert “which, when dry, is”.

Messrs. Lynch and Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 271. Introduced by Ashford, 6th District.

WHEREAS, the Omaha Westside High School girl's basketball team, the Warriors, completed a successful 1989-90 basketball season; and

WHEREAS, the Warriors have displayed exemplary athletic skill, a competitive spirit, and sportsmanship throughout the season and in the state tournament; and

WHEREAS, the team members and Coach Linda Adamski are deserving of special recognition for their achievements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and congratulates the Omaha Westside Warriors and Coach Adamski on their successful season and on reaching the state tournament.
2. That a copy of this resolution be sent to Coach Adamski at Omaha Westside High School.

Laid over.

UNANIMOUS CONSENT - **Print in Journal**

Mr. McFarland asked unanimous consent to print the following amendments to LB 1141 in the Journal. No objections. So ordered.

(1)

AM2713

(Amendments to Standing Committee amendments, AM2555)

1. On page 9, line 22, after the semicolon insert "strike beginning with 'directly' in line 13 through 'regents' in line 15 and insert 'necessary to meet such consolidated budget request to the board of regents, and the board of regents shall distribute the funds to each institution';".

(2)

AM2684

1. On page 3, line 11, after "degrees" insert ", except that one board of trustees shall be established for the University of Nebraska-Lincoln and the University of Nebraska Medical Center".
2. On page 4, strike beginning with the comma in line 2 through "for" in line 3 and insert "and".

(3)

AM2704

(Amendments to Standing Committee amendments, AM2555)

1. On page 4, line 24, after the first comma insert “strike beginning with ‘a’ in line 8 through ‘degrees’ in line 11 and insert ‘three boards of trustees to govern the institutions in this state’; in” and strike the second comma.

2. On page 5, line 1, before the period insert “; and strike beginning with ‘the’ in line 24 through line 25 and insert ‘Peru State College, and Chadron State College, the Board of Trustees for the University of Nebraska at Kearney and the University of Nebraska at Omaha, and the Board of Trustees for the University of Nebraska-Lincoln and the University of Nebraska Medical Center.’ ”; in line 2 after the first comma insert “strike beginning with ‘for’ in line 1 through the period in line 6; in” and strike the second comma; in line 5 before “selected” insert “jointly”; and in line 6 after “governments” insert “of the institutions” and after “president” insert “of the institution”.

(4)

AM2714

(Amendment to Standing Committee amendments, AM2555)

1. On page 5, line 3, after the semicolon insert “in line 14 after ‘Legislature’ insert ‘, a voting faculty representative from the institution chosen by the faculty of such institution,’;”.

(5)

AM2720

1. On page 7, strike lines 16 through 18; in line 19 strike “(10)” and insert “(9)”; and in line 21 strike “(11)” and insert “(10)”.

2. On page 8, line 6, strike “(12)” and insert “(11)”; in line 9 strike “(13)” and insert “(12)”; in line 13 strike “(14)” and insert “(13)”; and in line 17 strike “(15)” and insert “(14)”.

3. On page 18, line 15, after “sections” insert “. The role and mission statements prescribed in sections 85-917 to 85-967 on the operative date of this section shall be the role and mission statements for each institution and shall not be revised by the board

of regents".

(6)

AM2718

1. On page 9, line 4, strike "twelve" and insert "eleven".

2. On page 10, line 9, after the semicolon insert "and"; strike beginning with "The" in line 10 through "(7)" in line 11; strike beginning with "Except" in line 13 through "and" in line 16 and insert "Members shall serve for terms of three years, except that the Commissioner of Education shall serve during his or her term of office. Members"; and strike lines 22 through 25.

3. On page 11, strike lines 1 through 6.

4. In the Standing Committee amendments, AM2555:

a. On page 6, line 19, strike "10 and"; and strike beginning with the semicolon in line 20 through line 25 and insert a period; and

b. On page 7, strike line 1.

(7)

AM2715

1. Strike original section 10 and all amendments thereto and insert the following new section:

"Sec. 8. The Board of Regents for Nebraska Higher Education shall consist of eight members representing and nominated by districts established in section 85-103.01 and elected by the registered voters of the entire state.

The terms of office of the members of the board of regents shall be six years or until a successor is qualified and takes office, except that of the members initially elected (1) members representing District No. 1 and District No. 8 shall serve two-year terms, (2) members representing District No. 2, District No. 6, and District No. 7 shall serve four-year terms, and (3) members representing District No. 3, District No. 4, and District No. 5 shall serve six-year terms.

Vacancies shall be filled by appointment by the Governor with the approval of a majority of the Legislature for the balance of the term.

Members of the board of regents shall be reimbursed their actual and necessary expenses as provided in sections 81-1174 to 81-1177.".

(8)

AM2716

1. Strike original section 10 and all amendments thereto and insert the following new section:

"Sec. 8. The Board of Regents for Nebraska Higher Education shall consist of eight members appointed by the Governor with the approval of a majority of the Legislature. Appointments shall be made to insure that all areas of the state are represented. Not more than four members shall be members of the same political party.

Members shall serve six-year terms, except that of the members initially appointed two members shall serve two-year terms, three members shall serve four-year terms, and three members shall serve six-year terms as the Governor shall designate.

Vacancies shall be filled by appointment by the Governor with the approval of a majority of the Legislature for the balance of the term.

Members of the board of regents shall be reimbursed their actual and necessary expenses as provided in sections 81-1174 to 81-1177.".

(9)

AM2717

1. Strike original sections 6, 7, and 8 and all amendments thereto.

2. On page 17, strike beginning with the comma in line 5 through the comma in line 7.

3. On page 18, strike beginning with the last "the" in line 22 through the comma in line 23.

4. On page 24, strike beginning with the comma in line 18 through "Commission" in line 22.

5. In the Standing Committee amendments, AM2525, strike beginning with "(3)" in line 15 through the first period in line 20.

6. Renumber the remaining sections and correct internal references accordingly.

(10)

AM2721

1. Insert the following new sections:

"Sec. 18. That section 85-956, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-956. Chadron State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs, and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's western region and which includes the counties of Sioux, Dawes, Sheridan, Cherry, Thomas, Hooker, McPherson, Keith, Grant, Arthur, Deuel, Cheyenne, Kimball, Banner, Scotts Bluff, Box Butte, Morrill, and Garden.

Subject to approval by the Board of Trustees of the Nebraska State Colleges, Chadron State College may independently award the master's degree in business administration.

Sec. 19. That section 85-957, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-957. Peru State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs, and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's southeast region and which includes the counties of Butler, Seward, Saline, Jefferson, Gage, Lancaster, Saunders, Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson.

Peru's cooperative master's degree program in education with the university may be maintained.

Sec. 20. That section 85-958, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-958. Wayne State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs, and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's northeast region and which includes the counties of Nance, Platte, Colfax, Dodge, Washington, Burt, Cuming, Stanton, Madison, Boone, Thurston, Dakota, Dixon, Cedar, Wayne, Pierce, Antelope, Knox, Keya Paha, Brown, Rock, Boyd, and Holt.

Subject to approval by the Board of Trustees of the Nebraska State Colleges, Wayne State College may independently award the master's degree in business administration.

Sec. 22. That original sections 85-956, 85-957, and 85-958, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Insert underscoring as necessary.

3. Renumber the remaining section accordingly.

(11)

AM2722

1. On page 3, line 11, after "degrees" insert "and a board of trustees for the technical community colleges"; and in line 25 after the comma insert "the Board of Trustees of Technical Community Colleges,".

2. In the Standing Committee amendments, AM2555, on page 1, line 6, after "institution" insert ", including technical community colleges," and after "grants" insert "associate,"; and in line 7 after "baccalaureate" insert a comma.

(12)

AM2719

1. Insert the following new sections:

"Sec. 18. That section 85-102.01, Revised Statutes Supplement, 1989, be amended to read as follows:

85-102.01. The University of Nebraska shall be composed of a chief governing administrative unit, ~~four~~ three universities which shall be the University of Nebraska-Lincoln, the University of Nebraska at Omaha, ~~the University of Nebraska at Kearney,~~ and the University of Nebraska Medical Center, and such other institutions and units as may be designated by the Legislature.

Sec. 19. That section 85-301, Revised Statutes Supplement, 1989, be amended to read as follows:

85-301. The existing institutions known as the state colleges located at Chadron, Kearney, Peru, and Wayne shall hereafter be known and designated as Chadron State College, Kearney State College, Peru State

College, and Wayne State College, respectively. ~~The general government thereof shall be vested, under the direction of the Legislature, in a board of seven members, to be known as the Board of Trustees of the Nebraska State Colleges, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for terms of two, four, and six years and two each biennium thereafter for terms of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties but may be reimbursed their actual expenses incurred therein, except that members of the Board of Trustees of the Nebraska State Colleges shall not be entitled to reimbursement for mileage or other traveling expense as part of their actual expenses except on the basis provided for in sections 81-1174 to 81-1177.~~

Sec. 21. That original sections 85-102.01 and 85-301, Revised Statutes Supplement, 1989, are repealed.".

2. On page 3, line 24, after the comma insert "the Board of Trustees for Kearney State College,"; and in line 25 strike "the Board of Trustees".

3. On page 4, line 1, strike "for the University of Nebraska at Kearney,".

4. On page 23, strike beginning with "and" in line 12 through the comma in line 13; in line 18 after the first comma insert "Kearney State College,"; and strike beginning with "and" in line 19 through "College" in line 20.

5. Insert underscoring as necessary.

6. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM2552

(Amendments to Standing Committee amendments, AM2521)

1. On page 1, lines 20 and 21, strike "and insert 'voting' ".

2. On page 2, line 2, after the period insert "The student member shall not have a vote unless the

Constitution of Nebraska is amended to provide that a student member of a board of trustees shall be entitled to vote."; in line 10 strike the last "and"; and in line 12 after the last quotation marks insert "; and after line 22 insert:

'CVII-14 "Notwithstanding any other provision of the Constitution of Nebraska, a student member of the board of trustees shall be entitled to vote on issues before the board of trustees. This section shall not become effective after adoption unless the amendment proposed to Article VII, section 13, of the Constitution of Nebraska at the election in 1990 is also adopted." ' ".

3. On page 3, line 15, after the quotation marks insert "; in lines 2, 6, and 18 strike 'amendment' and insert 'amendments'; in line 5 strike 'proposition' and insert 'propositions'; in line 7 strike 'form' and insert 'forms'; after line 17 insert:

'A constitutional amendment to provide that a student member of a board of trustees shall be entitled to vote on issues before the board.

For

Against'.; in line 18 after 'That' insert 'each of'; and in line 22 strike 'it' and insert 'them' ".

4. Insert the following new amendment and renumber the remaining amendments accordingly:

"2. On page 1, line 1, strike 'an amendment' and insert 'amendments'; in line 3 after '1' insert ', and by adding a new section 14 to Article VII'; in line 10 strike 'amendment' and insert 'amendments'; and in line 12 strike 'which is' and insert 'and by adding a new section 14 to Article VII, which are'.".

VISITORS

Visitors to the Chamber were 25 seventh grade students and teacher from MidWest Baptist Academy, Omaha; 15 seniors and teacher from Palmer; 50 fourth grade students and teachers from Northside Elementary, Davenport and Brugh School, Fremont; and Don and Nancy Dapelo from Colinga, California.

RECESS

At 12:04 p.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Rogers and Ms. Scofield who were excused; and Messrs. Ashford, Baack, Chambers, Dierks, Haberman, Kristensen, Landis, Lindsay, Lynch, Moore, Schellpeper, Mmes. Labedz, and Pirsch who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 1990, at 12:15 p.m., were the following bills: 1022, 81, 956, 1050, 863, 938, 932, 917, 888, 831, 830, 579. 1199, 922, 954, 978, 987, 987A, 1037, 1067, 1178, 1102, and 1077.

(Signed) Jeffrey DeLine, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1018. Placed on Select File as amended.
E & R amendment to LB 1018:
AM7181

1. On page 1, line 5, strike "aircrafts" and insert "aircraft" and after the last semicolon insert "to provide a penalty;".

2. On page 2, line 17, strike "and".

LEGISLATIVE BILL 1136. Placed on Select File as amended.
E & R amendment to LB 1136:
AM7183

1. In the Standing Committee amendment, AM2585:

a. Strike sections 4 and 19 and renumber the internal references and remaining sections accordingly;

b. On page 3, line 18, strike "that" and insert "who"; and in line 23 strike "(1)";

c. On page 4, line 2, strike “(2)” and insert “or”; in line 3 after “contract” insert an underscored comma; in line 4 strike “(3)”; and in line 6 strike beginning with “a” through “producer” and insert “such”;

d. On page 11, line 18, after “of” insert “such”; and strike beginning with “37” in line 18 through “act” in line 19;

e. On page 13, line 8, strike “are not” and insert “not be”;

f. On page 19, line 4, after the first comma insert “the”;

g. On page 22, line 12, strike the first “or” and insert an underscored comma and after “coverage” insert an underscored comma;

h. On page 28, line 21, strike the comma;

i. On page 37, line 5, strike “which” and insert “who”;

j. On page 40, line 12, after “determines” insert “that”;

k. On page 41, line 7, after “organization” insert “shall”;

l. On page 46, line 14, strike “or” and insert an underscored comma and after “application” insert “for a certificate,”; and in line 16 after “sent” insert “by the Director of Insurance”;

m. On page 49, line 22, strike “other” and insert “another”;

n. On page 50, line 22, after “under” insert “such” and strike “70 of this act”;

o. On page 52, line 21, strike “organization” and insert “organizational”;

p. On page 53, line 4, strike “as follows: One-half” and insert “one-half”; strike beginning with the second “Health” in line 7 through “Act” in line 8 and insert “act”; in line 10 strike the second comma; and in line 12 strike “shall be”;

q. On page 56, lines 5 and 9, strike “law” and insert “laws”;

r. On page 57, line 2, strike the comma;

s. On page 63, line 3, after “agreement” insert an underscored comma; and in line 10 strike the first comma;

t. On page 64, line 5, after the second “vehicle” insert “as”; and in line 19 after “except” insert "that";

u. On page 65, line 12, strike "A true" and insert "True" and strike "copy" and insert "copies";

v. On page 66, line 19, strike the comma; and in line 22 strike "such sections" and insert "the act";

w. On page 75, lines 15 and 16, strike "by", show as stricken, and insert "in";

x. On page 80, line 14, after "1990" insert an underscored comma; and

y. On page 86, line 20, strike "of Nebraska" and insert "Supplement".

2. On page 1, strike beginning with "funds" in line 1 through line 6 and insert "insurance; to amend sections 44-3,132, 44-3603, 44-3604, 44-3605, 44-3606, 44-4230, 60-574, 60-578, and 68-1030, Reissue Revised Statutes of Nebraska, 1943, and sections 44-2402, 44-3602, 44-4103, 44-4210, 44-4220, 44-4222, 44-4227, 44-4228, 44-4726, 44-4802, and 71-2069, Revised Statutes Supplement, 1989; to adopt the Health Maintenance Organization Act; to adopt the Motor Vehicle Service Contract Reimbursement Insurance Act; to define and redefine terms; to change provisions relating to medicare supplement insurance; to change provisions relating to the Comprehensive Health Insurance Pool to provide coverage for persons who received medicaid assistance, change rate provisions, and provide for a right of subrogation; to change provisions relating to maximum liability for underinsured motorist coverage; to eliminate the Model Health Maintenance Organization Act and provisions relating to service contracts; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 44-3201 to 44-3210, 44-3213 to 44-3230, 44-3232, 44-3234, 44-3235, 44-3237, 44-3238, 44-3240 to 44-3243, 44-3245, 44-3246, 44-3248 to 44-3254, 44-3258 to 44-3262, 44-3264 to 44-3269, 44-3271 to 44-3275, 44-3278 to 44-3284, 44-3286 to 44-3291, and 44-3504 to 44-3518, Reissue Revised Statutes of Nebraska, 1943, and sections 44-3211, 44-3231, 44-3233, 44-3236, 44-3239, 44-3244, 44-3247, 44-3263, 44-3270, 44-3276, 44-3277, 44-3285, 44-3501 to 44-3503, and 44-3519, Revised Statutes Supplement, 1989.".

LEGISLATIVE BILL 1222. Placed on Select File as amended.

E & R amendment to LB 1222:
AM7182

1. In the Smith amendment, AM2741, on page 3, line 14, after "which" insert "training".

2. On page 1, line 2, strike "42-917, 42-918" and insert "43-272.01, 43-283"; in line 4 strike "and" and after the first comma insert "and 71-1904"; in line 5 after the second comma insert "section 71-1902, Revised Statutes Supplement, 1988,"; and in line 9 after the semicolon insert "to change provisions relating to dispositional hearings; to change provisions for membership on the Foster Care Review Board;".

3. On page 2, line 3, after "duties" insert "for the Department of Social Services, the Foster Care Review Board, and guardians ad litem as prescribed; to require training in foster care is prescribed;".

4. On page 3, line 20, after the first comma insert "a".

5. On page 8, line 25, after "or" insert "any".

LEGISLATIVE BILL 42A. Placed on Select File.
LEGISLATIVE BILL 220A. Placed on Select File.
LEGISLATIVE BILL 369A. Placed on Select File.
LEGISLATIVE BILL 880A. Placed on Select File.
LEGISLATIVE BILL 923A. Placed on Select File.
LEGISLATIVE BILL 1090A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

SELECT FILE

LEGISLATIVE BILL 923. The Beck pending amendment, AM2315, found in this day's Journal, was renewed.

Mrs. Beck withdrew her pending amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1146. E & R amendment, AM7150, found in the Journal on page 900 for the Thirty-First Day, was adopted.

Mr. Wesely renewed his pending amendment, AM2635, found in the Journal on page 937.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Chambers
Chizek
Goodrich
Hall
Hartnett
Labedz
Landis
McFarland
Morrissey
Schimek
Schmit
Smith
Wesely
Withem

Voting in the negative, 23:

Abboud
Baack
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Langford
Lindsay
Moore
Peterson
Pirsch
Robak
Warner
Wehrbein
Weihing

Present and not voting, 5:

Barrett
Elmer
Hannibal
Lynch
Nelson

Excused and not voting, 7:

Ashford
Dierks
Haberman
Korshoj
Rogers
Schellpeper
Scofield

The Wesely amendment lost with 14 ayes, 23 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Conway renewed his pending amendment, AM2679, found in the Journal on page 1005.

Mr. Schmit requested a ruling of the Chair on whether the Conway amendment is germane to the bill.

The Chair ruled the Conway amendment is not germane to the bill.

Mr. Lynch renewed his pending amendment, AM2834, found in the Journal on page 1185.

Mr. Wesely requested a ruling of the Chair on whether the Lynch amendment is germane to the bill.

The Chair ruled the Lynch amendment is not germane to the bill.

Mr. Landis offered the following amendment:
AM2883

(Amendments to FA369)

1. On page 1, line 2, after the second comma insert "and"; and in line 3 strike beginning with "and" through the last comma.

The Landis amendment was adopted with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Schmit offered the following amendment:
FA399

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

The Schmit amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Landis moved to indefinitely postpone LB 1146.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 272. Introduced by Abboud, 12th District.

WHEREAS, the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historical and special interest is a constructive leisure pursuit; and

WHEREAS, there are a large number of Nebraska citizens who engage in this hobby which contributes to the enjoyment and to the preservation of the state's automotive memorabilia; and

WHEREAS, there are many vehicle-related activities such as car shows, swap meets, interclub meets, concours, and tours which feature historical and special interest vehicles, and such activities are often the focal point of healthful, outdoor, family-type recreation and are often used for nonprofit charitable causes; and

WHEREAS, there are many Nebraska citizens who could gain pleasure and knowledge from a greater involvement in vehicle memorabilia and vehicle-related activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That June 17-23, 1990, be designated as the Nebraska Old Vehicle Hobby Interest Recognition Week.

2. That a copy of this resolution be delivered to the author for appropriate distribution.

Laid over.

LEGISLATIVE RESOLUTION 273. Introduced by R. Johnson, 34th District.

WHEREAS, the Hampton High School Hawks Girls' Basketball Team won the D-2 Championship in the Girls' State Basketball Tournament; and

WHEREAS, Coach Frank Chapman and the Hampton Hawks finished the season with twenty-four wins and a single loss; and

WHEREAS, the hard work and diligent efforts of the Hampton Hawks should be commended and are deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Coach Frank Chapman and the Hampton Hawks.

2. That a copy of this resolution be sent to Coach Frank Chapman in recognition of the accomplishments of the team.

Laid over.

LEGISLATIVE RESOLUTION 274. Introduced by R. Johnson, 34th District.

WHEREAS, agriculture has been and always will be the backbone of Nebraska's economy; and

WHEREAS, throughout our state's history, farmers and ranchers have persevered through drought, blizzards, high interest rates, and the collapse of land prices; and

WHEREAS, the agriculture industry in Nebraska has grown to a seven billion dollar a year industry and is continuing to grow and add strength to Nebraska's economy; and

WHEREAS, National Agriculture Week and National Agriculture Day have been established to focus national attention and appreciation on America's producers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature declares March 18-24, 1990, as Agriculture Week in Nebraska and March 20, 1990, as Agriculture Day in Nebraska in conjunction with National Agriculture Week and National Agriculture Day.

2. That the Legislature urges Nebraskans to honor and thank Nebraska's farmers and ranchers by supporting and participating in Agriculture Week in Nebraska and Agriculture Day in Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Langford asked unanimous consent to print the following amendment to LB 976 in the Journal. No objections. So ordered.

AM2806

1. On page 8, after line 7, insert the following new subsection:

"(15) Any person convicted of violating any provision of subsections (1) through (7) of this section shall, in addition to any other penalty provided in such subsections, have any operator's license issued pursuant to the Motor Vehicle Operator's License Act or his or her driving privilege suspended for (a) a period of six months for the first offense, (b) a period of one year for the second offense, and (c) a period of fifteen years for the third and all subsequent offenses. Any suspension pursuant to this subsection shall be subject to the procedures provided in the act relating to suspension of an operator's license or driving privilege.".

Mr. Coordsen asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2885

(Amendments to Standing Committee amendments, AM2659)

1. Insert the following new amendment:

"20. Insert the following new section:

'Sec. 66. The Board of Regents of the University of Nebraska is hereby authorized to complete the renovation of existing greenhouses on the University of Nebraska-Lincoln East Campus. There is hereby appropriated $900,000 from the State Building Fund for FY1990-91, for Program 938, to complete the renovation.

There is hereby established a project limit for the renovation of the greenhouses of $1,900,000, which amount includes $250,000 previously appropriated for FY1989-90 and $750,000 previously appropriated for FY1990-91.'.".

2. Renumber remaining amendments accordingly.

SELECT FILE

LEGISLATIVE BILL 1080. E & R amendment, AM7160, found in the Journal on page 904 for the Thirty-Second Day, was adopted.

Mr. Coordsen withdrew his pending amendment, AM2765, found in the Journal on page 1080.

Mr. Coordsen renewed his pending amendment, AM2800, found in the Journal on page 1164.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1080A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1094. E & R amendment, AM7149, found in the Journal on page 905 for the Thirty-Second Day, was adopted.

Mr. Conway renewed his pending amendment, AM2779, found in the Journal on page 1164.

Mr. Haberman moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Conway amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 960. E & R amendment, AM7167, found in the Journal on page 944 for the Thirty-Third Day, was adopted.

Mr. Withem offered the following amendment:
AM2881

1. Strike original sections 4 and 6.

2. On page 4, strike beginning with the comma in line 2 through the comma in line 4; and strike beginning with "The" in line 7 through line 13 and insert "There is hereby established the School Restructuring Commission within the State Department of Education. The commission shall establish goals for the improvement of education and restructuring of schools in Nebraska. The commission shall establish plans to test the effectiveness of school restructuring principles which include (a) mastery of learning and knowledge essentials, (b) active student involvement in the teaching and learning process, (c) teacher collaboration in planning curriculum, schedules, and learning goals and objectives, and (d) development of student higher-order learning skills.".

3. On page 5, strike beginning with "The" in line 20 through "(5)" in line 25 and all amendments thereto.

4. On page 6, line 3, strike "(6)" and insert "(5)"; in line 6 strike "program" and insert "commission's progress in establishing goals and plans as required by this section"; in line 7 strike "(7)" and insert "(6)"; and in line 10 strike "(8)" and insert "(7)".

5. Renumber the remaining sections

accordingly.

The Withem amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 960A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 656. E & R amendment, AM7177, found in the Journal on page 1116 for the Thirty-Seventh Day, was adopted.

Mr. Landis offered the following amendment:
AM2796

1. Insert the following new sections:

"Sec. 22. That section 87-303.08, Revised Statutes Supplement, 1988, be amended to read as follows:

87-303.08. Any person who violates ~~subdivision (a)(14) of section 87-302~~ the Uniform Deceptive Trade Practices Act or sections 87-308 to 87-312 shall be guilty of a Class II misdemeanor except as otherwise provided in the act or such sections. ~~Any person who violates any of the other provisions of section 87-302 or 87-303.01 shall be guilty of a Class III misdemeanor~~

Sec. 23. That section 87-303.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-303.09. Any person who willfully violates the terms of an injunction or declaratory judgment of the court or the terms of a written assurance of voluntary compliance entered into pursuant to ~~sections 87-301 to 87-306~~ the Uniform Deceptive Trade Practices Act shall be guilty of a Class IV felony. ~~and shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars, or by imprisonment in the Department of Correctional Services adult correctional facility not more than five years, or by both such fine and imprisonment.~~

Sec. 24. That section 87-303.10, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-303.10. A civil ~~or criminal~~ action arising under ~~sections 87-301 to 87-306,~~ the Uniform Deceptive Trade Practices Act may be brought only within ~~one year~~ four years from the date of the purchase of goods or services.

Sec. 25. Any person who violates section 87-302, except subdivision (a)(14) of such section or section 87-303.01, or who willfully violates the terms of an injunction or declaratory judgment of a district court or the terms of a written assurance of voluntary compliance entered into pursuant to the Uniform Deceptive Trade Practices Act shall be subject to a civil penalty of not more than two thousand dollars for each violation. The Attorney General, acting in the name of the state, may seek recovery of such civil penalties in a civil action. For purposes of this section, the district court which issues any injunction shall retain jurisdiction and the cause shall be continued while the Attorney General seeks the recovery of such civil penalties.

Sec. 26. That section 87-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-306. Sections 87-301 to 87-306 and section 25 of this act shall be known and may be cited as the Uniform Deceptive Trade Practices Act.

Sec. 28. That original sections 87-303.09, 87-303.10, and 87-306, Reissue Revised Statutes of Nebraska, 1943, and section 87-303.08, Revised Statutes Supplement, 1988, are repealed.".

2. In the Standing Committee amendments, AM1677:

a. On page 1, line 3, strike 'This' and insert 'Sections 1 to 21 of this';

b. On page 33, line 24, strike 'This' and insert 'Sections 1 to 21 of this';

c. On page 34, line 1, after the first period insert 'The other sections of this act shall become operative on their effective date.'; and

d. Insert underscoring in original sections 1 and 19.

3. In the Nelson amendment, AM2015, insert

underscoring in original sections 2 to 20.

4. Renumber the remaining section accordingly.

The Landis amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Nelson offered the following amendment:
AM2866

(Amendments to AM2015)

1. On page 10, lines 13 and 17, after "independent" insert "public accountant or".

2. On page 28, line 22, strike "thirty" and insert "seven".

The Nelson amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1019. E & R amendment, AM7178, found in the Journal on page 1154 for the Thirty-Ninth Day, was adopted.

Mr. Wesely offered the following amendment:
AM2681

1. Strike original sections 1 to 4 and insert the following new sections:

"Sec. 2. Sections 2 to 6 of this act shall be known and may be cited as the Foreign and Domestic Trade Assistance Act.

Sec. 3. The Legislature recognizes that Nebraska businesses compete in a global economy and that state economic development efforts should include assistance to Nebraska businesses in their efforts to market Nebraska products regionally, nationally, and internationally.

Sec. 4. The Department of Economic Development shall promote, develop, and facilitate regional, national, and international trade and investment in Nebraska. In furtherance of these goals, the department shall:

(1) Locate, develop, and promote regional,

national, and international markets for Nebraska products and services;

(2) Develop and implement a plan to promote and increase exports and reverse investment in this state;

(3) On or after July 1, 1991, establish and maintain an international trade office or offices;

(4) Establish a system of graduated fees or a system of commissions for the execution of successful transactions, or both, for use by the international trade office or offices to offset operating costs;

(5) Encourage and assist with the development of industry and trade associations that provide foreign and domestic trade assistance to their members;

(6) Arrange and lead trade missions to countries with promising international markets for Nebraska goods, technology, services, and agricultural products;

(7) Promote Nebraska products and services at domestic and international trade shows;

(8) Host trade delegations and assist foreign and domestic traders in contacting appropriate Nebraska businesses and investments;

(9) Identify Nebraska businesses that could benefit from export opportunities and provide information to assist them in locating and communicating with domestic and international trading or joint venture counterparts;

(10) Provide information, education, referral, and counseling services to Nebraska businesses regarding the economic, commercial, legal, and cultural contexts of domestic and international trade;

(11) Locate, attract, and promote foreign and domestic investment and business development in Nebraska to enhance employment opportunities in Nebraska;

(12) Provide foreign businesses and investors desiring to locate facilities in Nebraska information regarding sources of governmental, legal, real estate, financial, and business services;

(13) Coordinate trade activities with other agencies and commodity groups engaged in domestic and foreign trade development and promotion activities;

(14) Coordinate with domestic and foreign trade development and promotion activities of other

states; and

(15) When appropriate, enter into contracts or other agreements with private persons and public entities to carry out the purposes of promoting international and domestic trade and attracting investment from foreign countries to Nebraska, including agreements to establish and maintain offices and other types of representation in foreign countries.

Sec. 5. An annual performance review shall be submitted by the Department of Economic Development to the Governor and the Legislature. The review shall include a report of the activities for the preceding year.

Sec. 6. Five years from the effective date of this act, a review panel shall be convened to perform a financial and program audit of the Foreign and Domestic Trade Assistance Act. The panel shall consist of the chairperson of the Economic Development Commission and five members appointed by the Executive Board of the Legislative Council who are not members of the commission. Based on its findings, the panel shall recommend to the Governor and the Legislature to continue the act in its current statutory form, continue the act with modifications recommended by the panel, or repeal the act.".

2. On page 6, line 9, strike beginning with "section" through "act" and insert "the Foreign and Domestic Trade Assistance Act"; in line 10 strike beginning with "sections" through "and" and insert "section"; and strike beginning with the first "and" in line 12 through "are" in line 13 and insert "is".

3. Renumber the original sections accordingly.

Mr. Wesely withdrew his pending amendment.

Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved to indefinitely postpone LB 1019.

Laid over.

LEGISLATIVE BILL 1184. E & R amendment, AM7180, found in the Journal on page 1154 for the Thirty-Ninth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1184A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 880. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 976 in the Journal. No objections. So ordered.

AM2843

1. On page 4, line 3, strike “IIIA”, show as stricken, and insert “II”; in line 4 after “misdemeanor” insert “and be fined a minimum of three hundred dollars”; in lines 21 and 22 strike “an infraction”; show as stricken, and insert “a Class IV misdemeanor”; and in line 22 after “fined” insert “a minimum of”.

2. On page 5, line 3, strike “IV”, show as stricken, and insert “IIIA”; in lines 3 and 8 after “fined” insert “a minimum of”; in line 7 strike “IIIA”, show as stricken, and insert “III”; in line 16 strike “IV” and insert “IIIA”; in lines 17 and 23 after “fined” insert “a minimum of”; in line 22 strike “IIIA” and insert “III”; and in line 25 strike “by” and insert “be” and strike “III” and insert “II”.

3. On page 6, line 1, after “fined” insert “a minimum of”.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 976 in the Journal. No objections. So ordered.

AM2844

1. On page 4, line 3, strike “IIIA”, show as stricken, and insert “II”; in line 4 after “misdemeanor” insert “and for the first offense be fined three hundred dollars, for the second offense be fined five hundred dollars, and for the third and subsequent offenses be fined a minimum of five hundred dollars”; and in line 22 strike “one”, show as stricken, and insert “two”.

2. On page 5, line 4, strike “two”, show as stricken, and insert “three”; in line 8 strike “three”,

show as stricken, and insert "five"; in line 17 strike "two" and insert "three"; in line 23 strike "three" and insert "five"; and in line 25 strike "by" and insert "be".

Messrs. Bernard-Stevens, Baack, Conway, Withem, and Ms. Schimek asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2815

1. On page 70, line 1, strike "(1)"; and strike lines 10 through 22.

Mr. Warner asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2872

(Amendments to Standing Committee amendments, AM2309)

1. Strike amendment 14 and renumber remaining amendments accordingly.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 866. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2742.)

(Signed) Tim Hall, Chairperson

Judiciary

LEGISLATIVE BILL 1246. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2877.)

LEGISLATIVE RESOLUTION 251CA. Indefinitely postponed.

LEGISLATIVE BILL 1243. Indefinitely postponed.

(Signed) Jerry Chizek, Chairperson

ADJOURNMENT

At 4:26 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 2

NINETY-FIRST LEGISLATURE
SECOND SESSION

1990

Convened January 3, 1990 Adjourned April 9, 1990

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

FORTY-SECOND DAY - MARCH 8, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 8, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Chaplain Richard Carlson, Union College, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Morrissey and Ms. Scofield who were excused; and Messrs. Ashford, Baack, Bernard-Stevens, Dierks, Haberman, Hall, Hannibal, R. Johnson, Lindsay, McFarland, Moore, Schmit, Withem, Mrs. Crosby, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

REPORT

Received report from the Private Industry Council on the Greater Lincoln Service Delivery Area's proposed Job Training Plan for July 1, 1990, through June 30, 1992.

RESOLUTIONS

LEGISLATIVE RESOLUTION 266. Read. Considered.

LR 266 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 269. Read. Considered.

LR 269 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 270. Read. Considered.

LR 270 was adopted with 23 ayes, 0 nays, and 26 not voting.

LEGISLATIVE RESOLUTION 272. Read. Considered.

LR 272 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 273. Read. Considered.

LR 273 was adopted with 18 ayes, 0 nays, and 31 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1044.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-726 and 17-714, Reissue Revised Statutes of Nebraska, 1943; to provide a procedure for actions for certain claims against cities of the first and second class and villages as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Chizek
Conway
Coordsen
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Byars
Chambers
Lamb

Excused and not voting, 11:

Bernard-Stevens
Crosby
Dierks
Haberman
Hall
Hannibal
Moore
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 844.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1724, Reissue Revised Statutes of Nebraska, 1943; to change provisions for notice of sale of property taken on distress warrant; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Chizek
Conway
Coordsen
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 4:

Byars
Chambers
Lamb
Robak

Excused and not voting, 11:

Bernard-Stevens
Crosby
Dierks
Haberman
Hall
Hannibal
Moore
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-217, 16-302.01, 19-411, and 32-4,152, Reissue Revised Statutes of Nebraska, 1943; to change the manner of filling vacancies on the city council; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Smith
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 4:

Byars
Lamb
Schmit
Warner

Excused and not voting, 10:

Bernard-Stevens
Dierks
Haberman
Hall
Hannibal
Moore
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 903.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1528, Revised Statutes Supplement, 1988; to change provisions relating to treatment of benefits when a member dies before retirement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Byars
Lamb
Schmit

Excused and not voting, 9:

Bernard-Stevens
Dierks
Haberman
Hall
Moore
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 919.

A BILL FOR AN ACT relating to property tax exemptions; to amend section 77-202.03, Revised Statutes Supplement, 1989; to eliminate an affidavit requirement for real property used for cemetery purposes; to authorize renewal of the exemption for such property without reapplication; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Byars
Lamb

Excused and not voting, 9:

Dierks
Haberman
Hall
Hartnett
Moore
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 983.

A BILL FOR AN ACT relating to the Medicare Supplement Insurance Minimum Standards Act; to amend sections 44-3603 to 44-3606, Reissue Revised Statutes of Nebraska, 1943, and section 44-3602, Revised Statutes Supplement, 1989; to redefine a term; to change provisions relating to the applicability of the act; to change provisions relating to the contents of a medicare supplement policy, contract, or certificate; to change provisions relating to rules and regulations; to eliminate a provision relating to compensation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Lamb

Excused and not voting, 9:

Dierks
Haberman
Hall
Hartnett
Moore
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1086.

A BILL FOR AN ACT relating to the Nebraska Public Transportation Act of 1975; to amend section 13-1208, Reissue Revised Statutes of Nebraska, 1943; to permit a municipality or county to contract for use of school buses in certain situations as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Lamb

Excused and not voting, 9:

Dierks
Haberman
Hall
Hartnett
Moore
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1105.

A BILL FOR AN ACT relating to the Nebraska State Patrolmen's Retirement System; to provide an election to repay the system upon reemployment as prescribed; to provide a duty for the Revisor of Statutes; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Lamb

Excused and not voting, 8:

Dierks
Haberman
Hall
Hartnett
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1119.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,136.01, Revised Statutes Supplement, 1989; to exempt certain vehicles from sunscreening requirements; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 8:

Dierks
Haberman
Hall
Hartnett
Morrissey
Schimek
Scofield
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1165.

A BILL FOR AN ACT relating to public funds; to amend section 77-2363, Revised Statutes Supplement, 1989; to provide for actions to recover funds of transit authorities as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Moore

Excused and not voting, 7:

Dierks
Haberman
Hall
Hartnett
Morrissey
Schimek
Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1167.

A BILL FOR AN ACT relating to the Department of Public Institutions; to provide for the conveyance of an easement for the installation of utility lines; and to provide for the conveyance of real property to the city of Milford, Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Lynch

Excused and not voting, 7:

Dierks
Haberman
Hall
Hartnett
Morrissey
Schimek
Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1183. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1726, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the collection of taxes from corporations and companies; to provide and change penalties; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Warner

Excused and not voting, 6:

Dierks
Haberman
Hall
Morrissey
Schimek
Scofield

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1216.

A BILL FOR AN ACT relating to the Veterans Home Building Fund; to amend section 80-301.02, Reissue Revised Statutes of Nebraska, 1943; to authorize use of the fund for improving nursing facilities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Ashford
Hannibal
Warner

Excused and not voting, 6:

Dierks
Haberman
Hall
Morrissey
Schimek
Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1217.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend section 69-2113, Revised Statutes Supplement, 1989; to change provisions relating to a lessor's liability to a consumer as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.

Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Schmit

Excused and not voting, 6:

Dierks
Haberman
Hall
Morrissey
Schimek
Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1228.

A BILL FOR AN ACT relating to limited partnerships; to amend sections 21-2070, 67-236, 67-242, 67-245, 67-248.01, 67-248.02, 67-283, and 67-293, Revised Statutes Supplement, 1989; to provide for the merger of corporations and limited partnerships into limited partnerships pursuant to the Nebraska Business Corporation Act; to eliminate a requirement that certain copies be certified; to change provisions relating to filings; to state the effect of appointing the Secretary of State as agent for service of process; to provide fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland

Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 6:

Dierks
Haberman
Hall
Morrissey
Schimek
Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1044, 844, 853, 903, 919, 983, 1086, 1105, 1119, 1165, 1167, 1183, 1216, 1217, and 1228.

EASE

The Legislature was at ease from 10:16 a.m. until 10:20 a.m.

GENERAL FILE

LEGISLATIVE BILL 1244. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM2702, found in the Journal on page 1033 for the Thirty-Sixth Day, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 688. E & R amendment, AM7151, found in the Journal on page 905 for the Thirty-Second Day, was adopted.

Mr. Lindsay renewed his pending amendment, AM2754, found in the Journal on page 1175.

The Lindsay amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Moore and Lamb offered the following amendment:
AM2592

(Amendments to Standing Committee amendments, AM2354)

1. Insert the following new sections:

"Section 1. That section 71-1911, Revised Statutes Supplement, 1988, be amended to read as follows:

71-1911. No person shall furnish or offer to furnish a program for ~~four~~ six or more children from different families without having in full force and effect a written license issued by the department upon such terms as may be prescribed by the rules and regulations adopted and promulgated by the department. A city, village, or county which has rules, regulations, or ordinances in effect on ~~July 10, 1984,~~ the effective date of this act which apply to programs furnished for ~~two or three~~ five or fewer children from different families may continue to license providers of such programs. Any provider not covered by sections 71-1908 to 71-1918 may voluntarily subject himself, herself, or itself to coverage. All licenses issued under sections 71-1908 to 71-1918 shall expire two years from the date of issuance and shall be subject to renewal under such terms as may be prescribed by ~~the~~ rules and regulations ~~of~~ adopted and promulgated by the department in effect at the time of the renewal. There shall be a twenty-five-dollar fee charged for the issuance or renewal of each license for providers with a daily average of less than thirty children and a fifty-dollar fee charged for the issuance or renewal of each license for providers with a daily average of thirty or more children.

The license fee shall be paid to the department which shall retain the fee, except that when a city, village, or county has adopted any rule, regulation, or ordinance which establishes standards for licensed providers pursuant to subsection (2) of section 71-1914 and conducts all necessary inspections of any licensed provider pursuant to such subsection, the department shall transmit the license fee paid by such provider to the city, village, or county conducting the inspections.

A license may be denied for cause~~,~~ after notice and hearing~~,~~ in accordance with such rules and regulations as may be adopted and promulgated by the department.

In order to assist the department in the performance of the duties prescribed in this section, the Legislature shall appropriate such funds as are necessary to the department to enable the department to employ four additional licensing specialists.

Sec. 2. That section 71-1914, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1914. (1) The department shall be the state's coordinating agency for regulating early childhood programs in this state in order to (a) provide efficient services pursuant to sections 71-1908 to 71-1918, (b) avoid duplication of services, and (c) prevent an unnecessary number of inspections of any program. The department may request cooperation and assistance from local and state agencies and such agencies shall promptly respond. The extent of an agency's cooperation may be included in the department's report to the Legislature pursuant to section 71-1917.

(2) A city, village, or county may adopt and promulgate rules, regulations, or ordinances establishing physical well-being and safety standards for providers of programs whether or not such providers are subject to licensure under section 71-1911. If a city, village, or county adopts and promulgates any rules, regulations, or ordinances establishing physical well-being and safety standards for providers subject to licensure under section 71-1911, (a) such rules, regulations, or ordinances shall be identical to the department's rules and regulations for licensed

providers pursuant to sections 71-1908 to 71-1918, except that a city, village, or county which has rules, regulations, or ordinances in effect on ~~July 10, 1984,~~ the effective date of this act which apply to programs furnished for ~~two or three~~ five or fewer children from different families may continue to license providers of such programs, and (b) the city, village, or county and the department shall coordinate the inspection and supervision of licensed providers to avoid duplication of inspections. A city, village, or county shall report any violation of its rules, regulations, or ordinances regulating providers subject to licensure to the director who may cause a written charge to be brought pursuant to section 71-1915. The city, village, or county may administer and enforce its rules, regulations, and ordinances establishing physical well-being and safety standards for providers of programs, except that the exclusive remedy for the violation of any rules, regulations, and ordinances regulating providers subject to licensure pursuant to section 71-1911 shall be by the director pursuant to section 71-1915.".

2. On page 6, line 18, strike "sections 77-6603" and insert "section 71-1914, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1911, 77-6603,".

3. Renumber the remaining sections accordingly.

Mr. Lindsay requested a ruling of the Chair on whether the Moore-Lamb amendment is germane to the bill.

Messrs. Kristensen and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

The Chair ruled the Moore-Lamb amendment is not germane to the bill.

Mr. Moore moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2592 to LB 688.

Mrs. Labedz and Mr. Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 11:

Barrett
Haberman
Hefner
Johnson, L.
Johnson, R.
Lamb
Langford
Moore
Pirsch
Robak
Rogers

Voting in the negative, 9:

Ashford
Beck
Beyer
Byars
Chambers
Crosby
Hall
Lindsay
Wesely

Present and not voting, 21:

Abboud
Baack
Bernard-Stevens
Chizek
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Korshoj
Landis
McFarland
Nelson
Peterson
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Withem

Excused and not voting, 8:

Conway
Coordsen
Kristensen
Labedz
Lynch
Morrissey
Schimek
Scofield

The Moore motion to suspend the rules lost with 11 ayes, 9 nays, 21 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 960A to Select File

Mr. Withem moved to return LB 960A to Select File for the following specific amendment:

AM2909

1. On page 2, line 2, strike "$157,000" and insert "$4,000"; and in line 3 strike "$155,000" and insert "$2,000".

The Withem motion to return prevailed with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 960A. The Withem specific amendment, AM2909, found in this day’s Journal, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for re-engrossment.

LEGISLATIVE BILL 571. E & R amendment, AM7176, found in the Journal on page 1112 for the Thirty-Seventh Day, was adopted.

Messrs. Byars and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hefner renewed his pending amendment, AM2797, found in the Journal on page 1149.

Mr. Hefner offered the following amendment to his pending amendment:
AM2904

(Amendments to AM2797)

1. On page 5, line 4, after the first comma insert “lines 1 and 6, strike ‘violation’ and insert ‘conviction of a violation of section 4 of this act’; in line 13 after ‘Act’ insert ‘except for those employees governed by sections 79-12,107 to 79-12,121’; in” and strike the second comma; and in line 5 after the semicolon insert “in line 16 strike ‘eighteen’ and insert ‘nineteen’;”.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hefner amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Hefner pending amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Conway offered the following amendment:
AM2905

1. Insert the following new sections:

"Sec. 9. It is the purpose of sections 9 to 15 of this act to require certain reports and records of transactions involving currency when such reports and records have a high degree of usefulness in criminal investigations or proceedings.

Sec. 10. For purposes of sections 9 to 15 of this act:

(1) Currency shall mean currency and coin of the United States;

(2) Financial institution shall mean any bank, financial agency, or financial institution as defined by 31 U.S.C. 5312 and 31 C.F.R. 103;

(3) Superintendent shall mean the Superintendent of Law Enforcement and Public Safety; and

(4) Transaction shall mean the deposit, withdrawal, transfer, bailment, loan, pledge, payment, or exchange of currency by, through, or to a financial institution.

Sec. 11. (1) Every financial institution shall keep a record of any currency transaction in excess of ten thousand dollars and shall file a complete report of each such transaction with the Nebraska State Patrol within fifteen days after the date of the transaction. The filing with the Nebraska State Patrol of a duplicate copy of each report required by 31 U.S.C. 5313 and 31 C.F.R. 103.22 shall satisfy all reporting and record-keeping requirements of this section. Any currency transaction exempt from reporting under 31 C.F.R. 103.22 shall be exempt from the requirements of this section.

(2) The reporting and record-keeping requirements of this section shall not apply if the information in the report required by 31 U.S.C. 5313 and 31 C.F.R. 103.22 is available to the superintendent from a federal agency.

(3) No financial institution or any officer, employee, agent, or director thereof filing a report pursuant to this section shall be liable to any person

for any loss or damage caused in whole or in part by the making, filing, or governmental use of the report or any information contained therein.

Sec. 12. The Department of Banking and Finance, the Department of Revenue, the Department of Justice, and any United States Government criminal justice agency shall have access to and may inspect and copy any reports filed with the Nebraska State Patrol pursuant to section 11 of this act.

Sec. 13. The superintendent shall adopt and promulgate rules and regulations to carry out sections 9 to 15 of this act.

Sec. 14. Any financial institution or any officer, employee, agent, or director thereof who knowingly and willfully violates subsection (1) of section 11 of this act shall be subject to a civil penalty which may not exceed one hundred dollars for each day the violation continues. The cumulative civil penalty for separate violations shall not exceed five hundred dollars.

Sec. 15. If the information required by subsection (1) of section 11 of this act which has been available to the superintendent from a federal agency subsequently becomes unavailable, a financial institution shall not be subject to the civil penalties provided for in section 14 of this act unless the financial institution has been notified by the superintendent that (1) the information is no longer available from a federal agency and (2) the financial institution is required to provide the information to the Nebraska State Patrol.".

2. Renumber remaining section accordingly.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

The Conway amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

EXPLANATION OF VOTES

Had I been present, I would have voted yes on LBs 1044, 844, 853, 903, 919, 983, 1086, 1105, 1119, 1165, 1167, 1183, 1216, 1217, and 1228.

(Signed) Rex Haberman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 8, 1990, at 11:12 a.m., were the following bills: 1044, 844, 853, 903, 919, 983, 1086, 1105, 1119, 1165, 1167, 1183, 1216, 1217, and 1228.

(Signed) Jeffrey DeLine, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 275. Introduced by Wehrbein, 2nd District.

WHEREAS, the Plattsmouth High School wrestling team won the 1990 Class B state wrestling team title; and

WHEREAS, the Plattsmouth High School wrestling team won the team title through hard work, dedication, and athletic excellence; and

WHEREAS, the team members, along with head coach Ferde Goings and assistant coach Bob Priebe, are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature sends its congratulations to the team and to coach Ferde Goings and Bob Priebe.
2. That the Legislature expresses its pride in the young men who are members of the wrestling team and wishes them continued success.
3. That a copy of this resolution be mailed to the Plattsmouth High School wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 276. Introduced by Barrett, 39th District; Withem, 14th District; Labedz, 5th District; Coordsen, 32nd District; Warner, 25th District; Hall, 7th District.

WHEREAS, New Horizons for Nebraska has involved over two thousand Nebraska citizens in discussions with state policymakers about the state's future since 1987; and

WHEREAS, this unique effort led by the Nebraska Legislature has been recognized by the Council of State Governments with its 1990 Innovations Award; and

WHEREAS, citizens involved in New Horizons for Nebraska have developed a Statement of Vision, Long-Range Strategies, and Themes and Initiatives directed toward a positive future for Nebraska; and

WHEREAS, numerous short-term initiatives suggested by participants in New Horizons for Nebraska have been or are being implemented by legislative action; and

WHEREAS, the Statement of Vision and the Long-Range Strategies provide a policy framework for the Legislature that should be reviewed, updated, and strengthened on an ongoing basis; and

WHEREAS, the Legislature wishes to recognize and formally adopt the Statement of Vision and Long-Range Strategies as a dynamic policy framework to guide decisionmaking.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby recognizes and adopts the Statement of Vision and Long-Range Strategies, as detailed in the New Horizons report, A State for All Ages, as a policy framework to guide legislative deliberations.

2. That the Legislature, through New Horizons for Nebraska, intends to seek the advice of citizens from across the state in an ongoing process of reviewing and strengthening the Statement of Vision and Long-Range Strategies and further intends to study various options for incorporating their use as an ongoing part of legislative deliberations.

3. That the Legislative Research Division is hereby directed to seek input from Nebraska citizens in an effort to ensure that the Statement of Vision and Long-Range Strategies accurately reflect a desirable picture of Nebraska's future and the appropriate means to direct the state toward that future.

4. That the Legislature's standing committees, with assistance from the Legislative Research Division, committee staff, and other legislative staff members, explore ways in which the Statement of Vision and Long-Range Strategies may be employed as a part of the legislative process.

5. That the Legislative Research Division shall report its findings to the Legislature by December 1, 1990.

6. That a copy of this resolution be sent to those citizens who have participated in New Horizons for Nebraska.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 7, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams, Donald D. - Lincoln	FirsTier Financial, Inc. (Withdrawn 3/01/90)
Mueller, William J./Knudsen, Berkheimer, et al. - Lincoln	Nebraska Association of Convenience Stores (Withdrawn 3/05/90) Tax on Advertising Committee (Withdrawn 03/05/90)
Ruth, Larry L./Knudsen, Berkheimer, et al. - Lincoln	Nebraska Association of Convenience Stores (Withdrawn 3/05/90) Tax on Advertising Committee (Withdrawn 3/05/90)
Vickers, Tom - Lincoln	Preserve our Water Resources Association (Withdrawn 1/01/90)

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LB 1090 in the Journal. No objections. So ordered.

AM2914

1. Insert the following new section:

"Sec. 42. That section 79-3505, Revised Statutes Supplement, 1989, be amended to read as follows:

79-3505. (1) Each provider shall certify to the department ~~by September 1 of~~ each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher paid less than the amounts prescribed in subdivision (b) of this subsection as regular compensation shall not be counted in the calculation;

(b)(i) For school year 1989-90, a full-time equivalent teacher paid at least sixteen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher; and

(ii) For school year 1990-91, a full-time equivalent teacher paid at least seventeen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher;

(c) A full-time equivalent teacher paid nineteen thousand dollars or more as regular compensation shall be counted as one full-time equivalent teacher; and

(d) A full-time equivalent teacher with a master's degree, regardless of his or her regular compensation, shall be counted as one and one-fifth full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of program funds using the formula provided in subsection (4) of this section and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute an amount to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the weighted number of full-time equivalent teachers in the state as a whole employed by providers which have submitted the information as required by this section. Any amounts distributed under this subsection shall be used only for purposes of providing general salary increases which are bargained for together with other salary increases and benefit changes at the local level and for paying the employer's share of federal social security and retirement benefit payments on such salary increases.".

2. On page 53, lines 13 and 14, strike "and

79-1331" and insert "79-1331, and 79-3505".

3. Renumber the remaining section accordingly.

Mr. McFarland asked unanimous consent to print the following amendment to LB 1019 in the Journal. No objections. So ordered.

AM2907

1. Insert the following new sections:

"Sec. 6. Sections 6 to 10 of this act shall be known and may be cited as the Protocol Act.

Sec. 7. The purpose of the Protocol Act shall be to promote international exchanges between foreign countries and the State of Nebraska. The Legislature recognizes that the exportation of Nebraska products is critical to the health of the state's economy. To successfully promote Nebraska products in international markets, the state shall pursue an aggressive policy of positive international exchanges between foreign dignitaries and state officials.

Sec. 8. There is hereby created the Protocol Office for the State of Nebraska to be administered by the Protocol Officer. The Protocol Office may be a separate office within an existing executive department, but the office shall be located in the State Capitol. The Protocol Officer shall be appointed by the Governor with the approval of a majority of the Legislature and shall serve at the pleasure of the Governor. The Protocol Officer shall possess extensive experience with international visitors and public relations and knowledge of established international courtesies used in official dealings. The Protocol Officer may select such individuals as appropriate to provide guidance to the Protocol Office. The duties of the Protocol Officer shall include, but not be limited to, the following: (1) Plan and coordinate programs and logistics for foreign dignitaries visiting Nebraska constitutional officers or legislators; (2) arrange ancillary services, such as security, transportation, and gifts, for foreign dignitary visits; (3) coordinate programs and logistics for Nebraska constitutional officers or legislators traveling to foreign countries representing the state on state business; (4) represent the state, in the absence of a constitutional officer or legislator, in visiting with foreign dignitaries; (5) maintain a clearinghouse of information on foreign governments, foreign officials, and customs of foreign countries; and (6) coordinate with federal, state, local, and other agencies to promote international trade and cultural, educational, and scientific exchanges.

Sec. 9. The Protocol Officer shall obtain the advice and consent of the Speaker of the Legislature prior to arranging official state visits abroad by legislators.

Sec. 10. The Legislature shall appropriate funds necessary for the activities of the Protocol Office. The Protocol Officer may authorize expenditures to promote international relations notwithstanding any other provision of law. The Protocol Officer may contract to obtain goods and services needed to perform the duties of the Protocol Office. The Protocol Officer shall issue an annual fiscal and program report on the Protocol Office to the Clerk of the Legislature at the beginning of each legislative session.”.

2. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 551 in the Journal. No objections. So ordered.

AM2832

1. In the Standing Committee amendment, AM2128:

a. Insert the following new section:

“Section 1. Sections 1 to 31 of this act shall be known and may be cited as the Clinical Laboratories Certification Act.”;

b. On page 1, line 11, strike “this act” and insert “the Clinical Laboratories Certification Act”; in line 12 strike “3 to 14” and insert “4 to 15”; and in line 18 after “individual” insert “in a laboratory”;

c. On page 2, line 4, strike “in a laboratory”;

d. On page 3, line 3, strike “Is a technician who does” and insert “Does”; in line 13 strike “received” and insert “receive”; and in line 15 strike “act” and insert “section”;

e. On page 4, line 19, strike “other” and insert "inorganic"; and in line 24 strike "organic" and insert "inorganic";

f. On page 5, line 9, after "qualified" insert "as a clinical laboratory technologist"; in line 20 strike "received" and insert "receive"; and in line 22 strike "act" and insert "section";

g. On page 6, line 15, after "laboratories" insert "under the Clinical Laboratory Certification Act"; strike beginning with "by" in line 18 through "Administration" in line 19; and in line 22 strike "sections 19" and insert "section 18 of this act or sections 20";

h. On page 7, line 15, strike "18" and insert "19"; in line 20 strike "act" and insert "section"; in line 21 strike "Every" and insert "After the operative date of this section, every"; and in line 23 strike "thirty" and insert "forty-five";

i. On page 8, line 7, after "practitioners" insert "employed at the laboratory"; after line 16 insert:

"The application shall be accompanied by the biennial certification fee as provided in section 31 of this act. If the applicant withdraws the application or the department rejects the application, the department shall return the certification fee except for an administrative fee of twenty-five dollars."; and in line 19 after "laboratory" insert "in existence on the operative date of this section";

j. On page 9, line 3, strike "17" and insert "18"; and in lines 4 and 12 strike "19" and insert "20";

k. On page 10, strike lines 6 to 8 and all amendments thereto and insert "within fifteen days. The laboratory shall cease to operate until it applies for and receives a new certificate pursuant to sections 20 to 22 of this act.";

l. On page 13, strike beginning with "collects" in line 14 through "procedures" in line 15 and insert "performs the duties of a clinical laboratory practitioner";

m. On page 14, line 2, after "Pathology" insert "or the American Osteopathic Board of Pathology"; and in line 19 strike "Assure" and insert "Assist";

n. Renumber section 21 as section 23;

o. On page 17, line 15, strike "this"; and in line 16 strike "act" and insert "the Clinical Laboratories Certification Act";

p. On page 18, line 3, strike "23" and insert "24"; in line 7 strike "any" and insert "the department shall notify the certificate holder in writing. Any"; in line 9 strike "conducting such hearing" and insert "notification and conduct of a hearing and the provisions for finality of the department's decision"; in line 15 after the period insert "When the department's denial, suspension, or revocation is final, the laboratory shall cease to operate until it applies for and receives a new certificate pursuant to section 18 of this act or sections 20 to 22 of this act."; in line 20 strike "25" and insert "26"; and in line 22 after "for" insert "suspension," and after "revocation" insert a comma;

q. On page 19, line 2, after "the" insert "other" and strike "this act" and insert "the Clinical Laboratories Certification Act"; in line 17 strike "effective" and insert "operative"; and in line 18 strike "act" and insert "section";

r. On page 20, lines 15 and 16 and 22 strike "this act" and insert "the Clinical Laboratories Certification Act"; in line 18 strike "this" and insert "the"; and in line 24 strike "15" and insert "16";

s. On page 21, line 2, strike "17" and insert "18"; in line 7 strike "and"; in line 8 after "fees" insert "; and

(7) To establish reasonable standards in the public interest governing approval of tests for home use as described in section 10 of this act. Standards of the Food and Drug Administration may be used as the bases for such standards"; in line 12 strike "19" and insert "20"; in line 15 strike "annual" and insert "biennial"; in line 17 strike "17" and insert "18"; in line 18 strike "not more than" and insert "one hundred"; in line 19 after the period insert "Other laboratories shall pay a fee of not less than seven hundred dollars nor more than eight hundred dollars based on the administrative costs of certification."; and in line 22 strike "this act" and insert "the Clinical Laboratories Certification Act";

t. On page 22, line 4, strike "this" and insert "the"; and in line 5 strike "This" and insert

"Sections 29 and 30 of this act shall become operative on their effective date. The other sections of this"; and

u. Renumber the remaining sections accordingly.

2. In the E & R amendments, AM7131:

a. Strike amendments 1.a., j., and l. and reletter the remaining amendments accordingly; and

b. On page 2, lines 10 and 17, strike "15" and insert "16".

Messrs. Baack, Elmer, Bernard-Stevens, Byars, Hefner, Peterson, Dierks, Coordsen, Conway, Schellpeper, Korshoj, Wesely, Schmit, R. Johnson, Morrissey, Kristensen, Lamb, Weihing, Rogers, Haberman, Mmes. Nelson, Smith, and Robak asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2875

1. On page 68, line 5, strike "$233,915" and insert "$356,000"; and in line 6 strike "$90,947" and insert "$373,800".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 369.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 369

The following changes, required to be reported for publication in the Journal, have been made:

ER6256

1. In the Conway amendment, AM2470:

a. Section 5 has been renumbered as section 9 and the remaining sections renumbered and internal references corrected accordingly; and

b. Section 6 has been struck and in the Beyer amendment, FA387, on page 7, line 3, "or a nontransferable certificate of title provided for in section 9 of this act" has been inserted after "60-129"; in line

6 "or" has been struck and shown as stricken; and in line 7 "or a nontransferable certificate of title issued under section 9 of this act," has been inserted after the comma.

2. In the Beyer amendment, FA387:

a. Section 8 has been renumbered as section 14 and the remaining sections renumbered and internal references corrected accordingly;

b. Sections 6 and 14 have been struck;

c. On page 1, line 14, the comma has been struck; and in line 16 "section" has been inserted after "under";

d. On page 7, line 10, "that an identification inspection has been conducted" has been inserted after "statement";

e. On page 10, lines 2 and 3 have been struck and "shall be two dollars and shall be assessed" inserted;

f. On page 13, line 24, "provided" and "in" have been struck and shown as stricken, "required by" has been inserted before "such", and the comma has been struck;

g. On page 15, line 3, the first comma has been struck; and in line 14 "Director of Motor Vehicles" has been struck, shown as stricken, and "director" inserted;

h. On page 16, line 4; page 20, line 18; and page 23, line 9, the stricken comma has been reinstated;

i. On page 19, lines 17 and 18, "Department of Motor Vehicles" has been struck, shown as stricken, and "department" inserted;

j. On page 21, line 22, "director" has been struck, shown as stricken, and "Director of Motor Vehicles" inserted; and

k. On page 30, line 8, "60-311" and both commas have been struck and shown as stricken.

3. In the Smith amendment, AM2389:

a. On page 1, line 16, "Any" has been struck, shown as stricken, and "Except as provided in section 60-4,127, any" inserted;

b. On page 3, line 22, "presents an" has been struck and "if the driving record" inserted and "his or her" has been struck and "the applicant" inserted; and in line 23 "driving record" and "which" have been struck;

c. On page 5, lines 6 and 7 have been struck and

"Sec. 19. Sections 16, 17, and 20 of this act shall become operative on September 1, 1990. Sections 12 to 14 and 21 of this act shall become operative on January 1, 1991. The other" inserted.

4. In the Elmer amendment, AM2376:

a. On page 2, line 14, "thereof" has been struck, shown as stricken, and "of such vehicle or trailer" inserted; and

b. On page 3, line 8, ", except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-305.09," has been inserted after "state".

5. In the E & R amendment, AM7122:

a. On page 2, line 14, "18" has been struck and "13" inserted; in line 18 "and" has been struck and "60-102, 60-103, 60-104, 60-106, 60-302, 60-305.03, 60-311, and 60-2138," has been inserted after the last comma; in line 19 the second "and" has been struck and a comma inserted; in line 20 "60-305.09, 60-4,122, and 60-4,127," has been inserted after the first comma; and in line 24 "to require the affixing of the vehicle identification number prior to sale or other disposition of certain vehicles; to change provisions relating to certificates of title and provide for permanent license plates for apportionable vehicles; to provide for collection and disbursement of fees; to provide for nontransferable certificates of title for stolen vehicles;" has been inserted after the semicolon; and

b. On page 3, line 1, "and" has been struck and "to change provisions relating to motorcycle operator's licenses; to provide an additional use for certain funds; to harmonize provisions; to provide operative dates;" inserted and "; and to declare an emergency" has been inserted after "sections".

6. In the Lamb amendment, AM2221:

a. Section 6 and all amendments thereto have been struck and the following new section inserted:

"Sec. 22. That original sections 39-666, 39-6,177, 39-6,180, 60-102, 60-103, 60-104, 60-106, 60-302, 60-311, and 60-2138, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,100 and 60-301, Revised Statutes Supplement, 1989, are repealed.";

b. On page 22, line 8, "whose" has been struck, shown as stricken, and "the" inserted and "of which" has been inserted after "centers"; and

c. On page 26, line 2, "to" has been inserted after "or".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 642. Mr. Hall withdrew his pending motion, found in the Journal on page 898, to indefinitely postpone.

Mr. Ashford renewed his pending amendment, AM2753, found in the Journal on page 1074.

Messrs. Kristensen and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

The Ashford amendment was adopted with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Ashford moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Ashford requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Abboud
Ashford
Baack
Chizek
Conway
Crosby
Goodrich
Hall
Hartnett
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Pirsch
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 21:

Beck
Bernard-Stevens
Beyer
Coordsen
Dierks
Elmer
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Langford
Moore
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Smith
Withem

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Barrett
Byars
Haberman
Lamb
Morrissey
Scofield

Failed to advance to E & R for review with 21 ayes, 21 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 277. Introduced by Robak, 22nd District.

WHEREAS, the Columbus Public Schools have been named by the State Department of Education as winner of the Division I Excellence in Art Education Award; and

WHEREAS, this award recognizes excellence in the Columbus Public Schools' programs in the areas of music, drama, art, and creative writing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to the Columbus Public Schools on the receipt of this award.
2. That a copy of this resolution be sent to the superintendent of the Columbus Public Schools.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2910

(Amendments to AM2663)

1. On page 1, lines 10 and 17, after the underscored period insert "There shall be no discrimination against any student in the awarding or withholding of aid based on participation or nonparticipation in any intercollegiate athletic program or activity.".

Mr. McFarland asked unanimous consent to print the following amendments to LR 239CA in the Journal. No objections. So ordered.

AM2899

(Amendments to Standing Committee amendments, AM2521)

1. Insert the following new amendment: “2. On page 1, line 17, after the period insert ‘The Legislature shall appropriate funds for the public postsecondary educational institutions governed by a board of trustees to the board of regents for allocation to each institution, and the board of regents shall have the power to allocate such funds among the institutions.’ and after ‘The’ insert ‘other’.”.

2. Renumber the remaining amendments accordingly.

(2)

AM2898

(Amendments to Standing Committee amendments, AM2521)

1. On page 1, line 20, after the second comma insert “strike ‘which’ and insert ‘, except that the University of Nebraska-Lincoln and the University of Nebraska Medical Center shall be considered as one institution for purposes of this section and shall be governed by one board of trustees. Each board of trustees’ and”.

(3)

AM2902

(Amendments to Standing Committee amendments, AM2521)

1. On page 1, line 20, after the first comma insert “strike beginning with ‘each’ in line 22 through ‘degrees’ in line 24 and insert ‘(1) the University of Nebraska-Lincoln and the University of Nebraska Medical Center, (2) the University of Nebraska at Omaha and the University of Nebraska at Kearney, and (3) Wayne State College, Peru State College, and Chadron State College’; and in”.

2. On page 2, line 1, after the first comma insert “line 2, strike ‘institution’ and insert ‘institutions’; in”; in line 4 strike “after” and insert “strike”: in line 5 insert “institutions served” before “chosen”: and in line 8 after the semicolon insert “in line 12 strike ‘institution’s’ and after ‘responsibilities’ insert ‘of the institutions’;”.

(4)

AM2900

(Amendments to Standing Committee amendments, AM2521)

1. Strike amendment 2 and all amendments thereto and insert the following new amendment:

“2. On page 2, strike beginning with ‘two’ in line 2 through the period in line 24 and insert ‘eight members elected on a statewide, nonpartisan ballot. The Governor shall appoint to the board of regents four members of the Board of Regents of the University of Nebraska, including at least one from each congressional district, and four members of the Board of Trustees of the Nebraska State Colleges, including at least one from each congressional district, as those boards exist on June 30, 1991, to serve from July 1, 1991, until such time as members of the Board of Regents for Nebraska Higher Education can be elected and take office as provided by law.

The terms of office of the members of the Board of Regents for Nebraska Higher Education shall be six years or until a successor is qualified and takes office, except that of the members initially elected, two members shall serve for terms of two years and two members shall serve for terms of four years. The terms of the initial members shall be determined by lot after the initial election.’.”.

(5)

AM2901

(Amendments to Standing Committee amendments, AM2521)

1. Strike amendment 2 and all amendments thereto and insert the following new amendment:

“2. On page 2, strike beginning with ‘two’ in line 2 through the period in line 24 and insert ‘eight members appointed by the Governor with the approval of a majority of the Legislature.

The terms of office of the members of the board of regents shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, two members shall serve for terms of two years and two members shall serve for terms of four years as designated by the Governor.’.”.

Mr. McFarland asked unanimous consent to print the following amendments to LB 1059 in the Journal. No objections. So ordered.

(1)

AM2897

(Amendments to AM2794)

1. On page 2, lines 5 and 6, strike ".64, .98, 1.52, 1.87, and 1.87", show as stricken, and insert ".59, .95, 1.49, 1.87, and 2.14".

(2)

AM2915

(Amendments to AM2794)

1. On page 2, line 5, strike the second occurrence of "1.87", show as stricken, and insert "2.14".

GENERAL FILE

LEGISLATIVE BILL 843. Title read. Considered.

Standing Committee amendment, AM2225, found in the Journal on page 515 for the Sixteenth Day, was considered.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem renewed his pending amendment, AM2345, found in the Journal on page 651, to the Standing Committee amendment.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem amendment was adopted with 14 ayes, 0 nays, 26 present and not voting, and 9 excused and not voting.

Mr. Baack renewed his pending amendment, AM2840, found in the Journal on page 1197, to the Standing Committee amendment.

Messrs. Schmit, Peterson, Elmer, and Mrs. Beck asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

The Baack amendment was adopted with 19 ayes, 0 nays, 18 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 843A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1136 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2918.)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 259A and 678.

Correctly Engrossed

The following bills were correctly engrossed: 164, 164A, 260, 260A, 313, 313A, 348, 542, 594, 855, 855A, 953, 953A, 965, 980, 980A, 1032, and 1236.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 164

The following changes, required to be reported for publication in the Journal, have been made:
ER6258
1. In the E & R amendments, AM7123, on page 1, line 4, "; to create funds; and to state intent relating to expenditures for restoration and improvements" has been inserted after "Castle".

Enrollment and Review Change to LB 313

The following changes, required to be reported for publication in the Journal, have been made:
ER6261
1. In the Coordsen amendment, AM2646, on page 1, line 8, "compensation" has been inserted after "Such".
2. In the E and R amendments, AM7146, on page 1, line 8, ", 48-161," has been inserted after the second "48-121.01"; and in line 11 "to change a provision relating to the jurisdiction of the compensation court;" has been inserted after the second semicolon.

Enrollment and Review Change to LB 542

The following changes, required to be reported for publication in the Journal, have been made:
ER6259
1. In AM2568, on page 1, line 3, "section 1 of this act" has been struck and "this section" inserted.

Enrollment and Review Change to LB 953

The following changes, required to be reported for publication in the Journal, have been made:
ER6263
1. In lieu of amendments 4 and 5 in the Schellpeper amendment, AM2814:
a. Original section 4 has been struck;
b. The following new amendment has been inserted:
"4. On page 14, line 18, strike '81-2017,'; and in line 19 strike the first comma and insert 'and' and strike 'and 81-2031,'."; and
c. The remaining amendment has been renumbered accordingly.
2. On page 1, line 2, "81-2017," has been struck, the second comma has been struck and "and" has been inserted, and "and" has been struck; in line 3 "81-2031," has been struck; and the matter beginning with "to" in line 5 through the semicolon in line 7 has been struck.

3. The remaining section has been renumbered accordingly.

Enrollment and Review Change to LB 965

The following changes, required to be reported for publication in the Journal, have been made:

ER6260

1. On page 1, line 2, “section” has been struck and “sections” inserted and “and 77-2704” has been inserted after “77-2702”; in line 4 “and” has been struck and “to exempt certain aircraft from sales and use tax;” inserted; and in line 5 “section” has been struck and “sections; and to declare an emergency” inserted.

Enrollment and Review Change to LB 980

The following changes, required to be reported for publication in the Journal, have been made:

ER6257

1. In the Lamb amendment, AM2528:

a. On page 4, line 24, “that an identification inspection has been conducted” has been inserted after “statement”;

b. On page 8, line 24, an underscored comma has been inserted after “made”;

c. On page 9, line 1, an underscored comma has been inserted after “Vehicles”;

d. On page 10, line 4, the stricken matter has been reinstated; and in line 20 “the” has been struck;

e. On page 11, line 3, the second “the” has been struck; and in line 22 “such” has been struck and “each” inserted; and

f. On page 21, line 16, “24” has been struck and “23” inserted.

2. In the Lamb amendment, AM2311:

a. On page 5, line 17, “(i)” has been struck and “(a)” inserted; and in line 19 “(ii)” has been struck and “(b)” inserted;

b. On page 15, line 9, “(1)” has been struck; and in line 15 “and (2) for” has been struck, the old matter shown as stricken, and “. For” inserted; and

c. On page 16, line 7, “either such” has been inserted after “to” and “75-307 or” has been struck; and in line 8 “75-352” has been struck.

3. On page 1, line 1, “sections 60-106, 60-107, 60-107.01, 60-112, and 60-114, Reissue Revised Statutes of Nebraska, 1943,” has been inserted after “amend”; and in line 8 “to change provisions relating to the issuance and form of certificates of title; to authorize certain contracts;” has been inserted after the first semicolon.

4. On page 9, line 8, "such" has been inserted after "of", an underscored colon has been inserted after "sections", and "60-4,132 to" has been struck and shown as stricken; and line 9 and all amendments thereto have been struck and the old matter shown as stricken.

5. On page 15, line 25, "operator's" has been struck and shown as stricken and "or commercial driver's license" has been inserted after "license".

6. On page 16, line 2, "operator's" has been struck and shown as stricken.

7. On page 25, line 18, "to" has been struck and "too" inserted.

8. On page 42, line 9, "Sections 24 and 38 of this act shall become operative on April 1, 1992." has been inserted after the period; and in line 15 "60-4,168," has been struck.

9. The following new section has been inserted:

"Sec. 38. That original section 60-4,168, Revised Statutes Supplement, 1989, is repealed.".

10. The remaining sections have been renumbered.

(Signed) Mary E. Sommermeyer
E & R Attorney

EXPLANATION OF VOTE

Had I been present on the vote to advance LB 642, I would have voted "no."

(Signed) Bill Barrett

GENERAL FILE

LEGISLATIVE RESOLUTION 239CA. Read. Considered.

Standing Committee amendment, AM2521, found in the Journal on page 834 for the Twenty-Eighth Day, was considered.

Mr. Warner renewed his pending amendment, AM2552, found in the Journal on page 1231, to the Standing Committee amendment.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 266, LR 269, LR 270, LR 272, and LR 273.

GENERAL FILE

LEGISLATIVE RESOLUTION 239CA. The Warner pending amendment, AM2552, found in the Journal on page 1231 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Mrs. Smith and Mr. Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Moore requested a roll call vote on the Warner amendment.

Voting in the affirmative, 21:

Baack
Beck
Beyer
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Johnson, L.
Kristensen
Lamb
Langford
Lindsay
Nelson
Peterson
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 18:

Abboud
Ashford
Bernard-Stevens
Chizek
Conway
Crosby
Hall
Hefner
Johnson, R.
Labedz
Landis
Lynch
McFarland
Moore
Rogers
Schellpeper
Schimek
Wesely

Absent and not voting, 2:

Chambers
Pirsch

Excused and not voting, 8:

Barrett
Byars
Korshoj
Morrissey
Robak
Schmit
Scofield
Smith

The Warner amendment was adopted with 21 ayes, 18 nays, 2 absent and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 1222 in the Journal. No objections. So ordered.

AM2916
(Amendments to Standing Committee amendments, AM2624)

1. Strike section 3.
2. On page 5, line 2, strike ", 43-283".
3. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2923

1. Insert the following new section:
"Sec. 48. There is hereby appropriated $395,000 from the State Building Fund for FY1989-90 to Kearney State College, for Program 919, Museum of Nebraska Art.".
2. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 551A. Introduced by Lynch, 13th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 551, Ninety-first Legislature, Second Session, 1990.

LEGISLATIVE BILL 1113A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1113, Ninety-first Legislature, Second Session, 1990.

VISITORS

Visitors to the Chamber were 43 members of the Nebraska Federation of Women's Club from across the state; Dr. Mike Moore from Superior and Dr. Paul Foy from Ogallala; 18 students and sponsor from UNL; nine students and teacher from Odell High School; 19 seniors and teacher from Elkhorn; 160 seniors and teachers from Millard South High School; 19 seventh and eighth grade students and teacher from Blessed Sacrament School, Omaha; and fourth grade students and teacher from Christ the King, Omaha.

ADJOURNMENT

At 3:23 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, March 12, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 12, 1990

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 12, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 12, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Elmer Shaw, United Methodist Church, Alvo-Prairie Home.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Barrett, Chambers, Chizek, Conway, Goodrich, Haberman, Hall, Hannibal, Hartnett, R. Johnson, Kristensen, Landis, Moore, Schmit, Warner, Wesely, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 90018

Date:	March 8, 1990
Subject:	LB 908; Constitutionality of a bill giving first class cities certain powers with respect to programs for the elderly in light of vagueness and public purpose concerns.

Requested By:	Senator D. Paul Hartnett and the Urban Affairs Committee of the Nebraska State Legislature
Written By:	Robert M. Spire, Attorney General Dale A. Comer, Assistant Attorney General

LB 908 is a bill designed to give first class cities in Nebraska certain powers with respect to programs for the elderly. The bill, in its entirety, states:

> A city of the first class may plan, initiate, operate, maintain, administer funding for, and evaluate facilities, programs, and services that meet the needs of elderly persons and contract with state agencies, political subdivisions, and private nonprofit agencies to exercise and carry out such powers.

You have requested our opinion as to whether LB 908 is unconstitutionally vague, and as to whether the bill may involve a constitutionally impermissible use of public monies for a private purpose. We believe LB 908 is constitutional for the reasons discussed below.

Your initial concern with LB 908 involves the broad and general nature of some of the language contained in the bill. For example, you are concerned that the terms "elderly," "funding," "initiate," and "private nonprofit agency" are so vague as to create a constitutional problem. You ask both if the bill provides sufficient specificity for constitutional application, and if it is appropriate or necessary to provide some definition for certain terms contained within the bill.

It is a general rule that a statute must be reasonably clear and definite to be constitutionally valid. Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N.W.2d 166 (1974). The void for vagueness doctrine is based on the due process requirements contained in the Fifth and Fourteenth Amendments to the federal constitution, and contained in Article I Section 3 of our Nebraska Constitution. U.S. v. Articles of Drug, 825 F.2d 1238 (8th Cir. 1987); State v. A.H., 198 Neb. 444, 253 N.W.2d 283 (1977). In order to pass constitutional muster, a statute must be sufficiently specific so that persons of ordinary intelligence must not have to guess at its meaning, and the statute must contain ascertainable standards by which it may be applied. State v. A.H., supra.

Most cases involving the question of unconstitutional vagueness have dealt with statutes or ordinances imposing criminal sanctions. However, the void for vagueness doctrine does apply equally to civil statutes. Id. Even though this is the case, greater vagueness is generally tolerated in a civil statute than in a criminal statute. U.S. v. Articles of Drug, supra. A statute which is otherwise valid will not be held void unless it is so deficient in its terms as to render it impossible to enforce. Neeman v. Nebraska Natural Resources Commission, supra. The constitutional requirement of reasonable certainty in statutory language is satisfied by the use of ordinary terms which find adequate interpretation in common usage and understanding. Fulmer v. Jensen, 221 Neb. 582, 379 N.W.2d 736 (1986). Statutes are sufficiently definite when they use language which is commonly grasped. State v. Metteer, 203 Neb. 515, 279 N.W.2d 374 (1979).

LB 908 contains a general grant of authority to first class cities with respect to programs for the elderly. It contains no criminal penalties, nor does it regulate the ordinary conduct of citizens in any way. It does appear to contain language which is ordinary, in common usage and which can be commonly understood. Under the authorities noted above, we cannot say that the bill appears unconstitutionally vague. Indeed, it does not differ greatly from many of the other general provisions outlining the powers and authority of first class cities. See, Neb.Rev.Stat. §16-201 et seq. (Reissue 1987).

We would agree with your observation that LB 908 contains some very broad language. In addition, it is obviously helpful to all concerned if a particular statute is as clear and as specific as possible. Nevertheless, absent unconstitutional vagueness, the degree of specificity incorporated in a given statute is a matter of policy for the Legislature, and that body must decide if it is appropriate or necessary to add definitional provisions to LB 908. If such definitional phrases are not included in the bill, the language of LB 908 will be given its plain and ordinary meaning. In Interest of G.B., 227 Neb. 512, 418 N.W.2d 258 (1988).

You are also concerned that LB 908 might require an expenditure of public funds for a private purpose in violation of Article XIII Section 3 of our state Constitution. We believe that the bill is constitutional on its face when considered in light of that constitutional provision.

Article XIII Section 3 of our Nebraska Constitution provides, in pertinent part, "{t}he credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ." The purpose of this provision is to prevent the state from extending its credit to private enterprise. Lenstrom v. Thone, 209 Neb. 783, 311 N.W.2d 884 (1981); United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576 (1956). In essence, public monies may not be used for private purposes. State ex rel. Beck v. The City of York, 164 Neb. 223, 82 N.W.2d 269 (1957). It is for the Legislature to determine in the first instance what is and what is not a public purpose. State ex rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249 (1979); Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976). That determination is not conclusive on the courts, but a lack of public purpose justifying a declaration that a particular statute is invalid must be so clear and palpable as to be immediately perceptible to a reasonable mind. Id. The vital point in all such determinations is whether the purpose is public and not whether the agency dispensing the funds is public or private. Chase v. County of Douglas, supra.

As noted in your request letter, LB 908 would allow first class cities "the authority to provide for the needs of a large and growing segment of their populations," the elderly. Under the standards discussed above, we do not believe that this is an inadequate public purpose. Moreover, the general provisions of the bill do not appear, on their face, to require the expenditure of public funds in aid of private entities. Consequently, we do not perceive any violation of Article XIII Section 3 which is clear or readily perceptible, and we believe that LB 908 is constitutional under that provision of our state Constitution.

Respectfully yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
5-104-13

RESOLUTIONS

LEGISLATIVE RESOLUTION 275. Read. Considered.

LR 275 was adopted with 20 ayes, 0 nays, and 29 not voting.

LEGISLATIVE RESOLUTION 277. Read. Considered.

LR 277 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 239CA. Considered.

Mr. McFarland renewed his pending amendment (1), AM2899, found in the Journal on page 1285, to the pending Standing Committee amendment.

Mr. Withem requested a ruling of the Chair on whether the McFarland amendment is germane to the Standing Committee amendment.

The Chair ruled the McFarland amendment is not germane to the Standing Committee amendment.

Mr. McFarland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 3 ayes, 20 nays, 19 present and not voting, and 7 excused and not voting.

The Chair was sustained.

Mr. McFarland renewed his pending amendment (2), AM2898, found in the Journal on page 1286, to the pending Standing Committee amendment.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 275 and LR 277.

RESOLUTION

LEGISLATIVE RESOLUTION 239CA. The McFarland pending amendment (2), AM2898, found in the Journal on page 1286 and considered in this day's Journal, to the pending Standing Committee amendment, was renewed.

SPEAKER BARRETT PRESIDING

The McFarland amendment lost with 7 ayes, 17 nays, 21 present and not voting, and 4 excused and not voting.

Mr. McFarland withdrew his pending amendments (3) and (4), AM2902 and AM2900, found in the Journal on pages 1286 and 1287.

Mr. McFarland renewed his pending amendment (5), AM2901, found in the Journal on page 1287, to the pending Standing Committee amendment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The McFarland amendment lost with 1 aye, 22 nays, 24 present and not voting, and 2 excused and not voting.

Mr. McFarland offered the following amendment to the pending Standing Committee amendment:
AM2946

(Amendments to Standing Committee amendments, AM2521)

1. On page 1, line 9, after the semicolon insert "in line 8 after the second comma insert 'with the approval of the Legislature';".

Mr. McFarland withdrew his pending amendment.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Mr. McFarland reoffered his amendment (1), AM2899, found in the Journal on page 1285.

Messrs. Elmer and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Pending.

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 3, Section 13, to permit cancellation of the public hearing on LR 258.

The Baack motion prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 278. Introduced by Hefner, 19th District; Withem, 14th District; L. Johnson, 15th District; Warner, 25th District; Goodrich, 20th District; Barrett, 39th District; Labedz, 5th District.

WHEREAS, Dr. Ronald W. Roskens served as President of the University of Nebraska at Lincoln for twelve years with highest distinction and dedication; and

WHEREAS, prior to such time Dr. Roskens served as Chancellor of the University of Nebraska at Omaha; and

WHEREAS, the University and all of the citizens of Nebraska benefited from Dr. Roskens' service; and

WHEREAS, Dr. Roskens' wife, Lois, served on the Nebraska Arts Council and has assisted in many community service projects; and

WHEREAS, Dr. Roskens was appointed by President Bush to serve as Director of the Agency for International Development; and

WHEREAS, his appointment has been confirmed; and

WHEREAS, he is highly qualified for this position of leadership and will represent our nation in efforts to help other nations; and

WHEREAS, Nebraskans are grateful to Dr. and Mrs. Roskens, are proud of them and their record of service in our state, and feel that the Roskens' will always be considered important Nebraskans in our state's history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Dr. Roskens on his appointment and confirmation and wishes him the best in that position.
2. That a copy of this Resolution be sent to Dr. Ronald and Lois Roskens.

Laid over.

NOTICE OF COMMITTEE HEARING
Education/Appropriations

Tuesday, March 20, 1990, Room 1517 12:30 p.m.
Program Review for Postsecondary Education Commission

(Signed) Ron Withem, Chairperson
(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2949

1. On page 23, line 11, strike “For” and insert “Beginning with” and after “1990-91” insert “and each school year thereafter”; and in line 12 strike “. The” and insert “and the”.
2. Strike the Hefner amendment, AM2385.

Mrs. Smith asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2952

1. On page 36, line 17, after “percent” insert “, except that the rate of the sales tax on motor vehicles, trailers, and semitrailers as defined in section 60-301 shall be four percent”.

Mrs. Smith asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM2953

1. On page 17, line 12, strike “Each” and insert “Subject to the requirement that, for any school year after school year 1989-90, a district shall not receive less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90, each”.
2. In the Standing Committee amenmdents, AM2309, strike amendment 10 and renumber the remaining amendments accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

AM2919

(Amendments to Final Reading copy)

1. On page 3, line 25, reinstate the stricken matter.

2. On page 4, line 1, reinstate the stricken matter; and in line 2 strike "The".

Mr. Haberman asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2839

(Amendments to AM2753)

1. On page 3, line 21, after "(7)" insert

"Any person convicted of a criminal offense involving the use of any firearm, including a handgun, shall be sentenced to the maximum penalty permitted by law.

(8)"; and in line 24 strike "(8)" and insert "(9)".

Mr. Haberman asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2873

(Amendments to AM2753)

1. On page 3, line 21, after "(7)" insert

"Any person convicted of a criminal offense involving the use of any firearm, including a handgun, shall be sentenced to the maximum penalty permitted by law and shall not be eligible for parole.

(8)"; and in line 24 strike "(8)" and insert "(9)".

Mrs. Crosby asked unanimous consent to print the following amendment to LB 1141 in the Journal. No objections. So ordered.

AM2890

(Amendments to Standing Committee amendments, AM2555)

1. On page 1, line 8, after "trustees" insert ", except that in the case of the University of Nebraska-Lincoln and the University of Nebraska Medical Center, institution shall mean both such institutions".

2. On page 4, line 24, after the first comma

insert "line 11, after 'degrees' insert ', except that the University of Nebraska-Lincoln and the University of Nebraska Medical Center shall be governed by one board of trustees'; and in".

3. On page 5, line 2, after the first comma insert "lines 2 and 3, strike ', the Board of Trustees for' and insert 'and'; in".

4. On page 9, line 22, after the semicolon insert "strike beginning with 'The' in line 12 through 'regents' in line 15 and insert 'Appropriations for the institutions shall be made to the board of regents for allocation to each institution';".

VISITORS

Visitors to the Chamber were Senator Dierks' daughter, Stephanie Dierks, and Jerry Upp from Gering; Senator Hartnett's nephew, Dan Hartnett, from South Sioux City; nine seniors and teacher from Coleridge High School; 84 fifth and sixth grade students and teachers from Prescott School, Lincoln; 47 foreign students from the Educational Foundation for Foreign Study; and Carol Brummond from Herman and Greg, Sandy, Randall, Whitney, and Justine Brummond from Craig.

RECESS

At 12:07 p.m., on a motion by Mr. McFarland, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chizek who was excused; and Messrs. Ashford, Baack, Chambers, Haberman, Landis, Lindsay, McFarland, Moore, and Withem who were excused until they arrive.

UNANIMOUS CONSENT - **Print in Journal**

Messrs. Kristensen and Warner asked unanimous consent to print the following amendment to LB 880 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2912.)

GENERAL FILE

LEGISLATIVE BILL 1031. Title read. Considered.

Standing Committee amendment, AM2659, printed separately from the Journal and referred to on page 1131 for the Thirty-Eighth Day, was considered.

PRESIDENT NICHOL PRESIDING

Pending.

EXPLANATION OF VOTE

Had I been present during the vote to advance LB 642, I would have voted "no."

(Signed) Dennis M. Byars

MESSAGE FROM THE GOVERNOR

March 12, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1022, 81, 956, 1050, 863, 922, 1199, 579, 830, 831, 888, 917, 932, 938, 954, 978, 987, 987A, 1037, 1067, 1077, 1102, and 1178 were received in my office on March 7, 1990.

These bills were signed by me on March 12, 1990, and delivered to the Secretary of State.

Sincerely,

(Signed) KAY A. ORR
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 905A. Introduced by L. Johnson, 15th District; Byars, 30th District; Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 905, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LR 258	Tuesday, March 13, 1990 (cancel)	12:00 noon

(Signed) Dennis Baack, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 279. Introduced by Robak, 22nd District.

WHEREAS, the Humphrey St. Francis boys' basketball team captured the Class D-1 Championship of the 1990 Boys' State Basketball Tournament; and

WHEREAS, the championship topped off a perfect 25-0 season for the Humphrey St. Francis Flyers; and

WHEREAS, the talent, spirit, and hard work displayed by the Flyers and Coach Paul Brungardt deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Humphrey St. Francis Boys' basketball team and Coach Paul Brungardt for an excellent season and well-deserved championship.
2. That a copy of this resolution be sent to Coach Paul Brungardt for presentation to the team.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1031. Mrs. Smith renewed her pending amendment, AM2851, found in the Journal on page 1195, to the Standing Committee amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Smith amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Coordsen renewed his pending amendment, AM2885, found in the Journal on page 1241, to the Standing Committee amendment.

SPEAKER BARRETT PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Coordsen moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baack
Bernard-Stevens
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hefner
Johnson, R.
Kristensen
Labedz
Lamb
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Wehrbein
Weihing

Voting in the negative, 16:

Abboud
Ashford
Hall
Hannibal
Hartnett
Korshoj
Landis
Langford
Lindsay
Lynch
Morrissey
Pirsch
Schimek
Scofield
Warner
Withem

Present and not voting, 9:

Barrett
Beck
Beyer
Byars
Johnson, L.
McFarland
Moore
Smith
Wesely

Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Chizek

The Coordsen amendment lost with 22 ayes, 16 nays, 9 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 571, 656, 688, 880, 923, 960, 960A, 1080, 1080A, 1094, 1184, and 1184A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 571

The following changes, required to be reported for publication in the Journal, have been made:
ER6269
1. In the Conway amendment, AM2905, sections 9 to 15 have been renumbered as sections 11 to 17 and internal references corrected accordingly.
2. In the Hefner amendment, AM2904, on page 1, line 3, "4" has been struck and "5" inserted.
3. In the E & R amendment, AM7176:
a. On page 7, line 22, "27-504," has been inserted after "sections", "and" has been struck, and "and 28-1439.01," has been inserted after the last comma; and
b. On page 8, line 2, "to require reports and records of currency transactions as prescribed; to provide powers and duties with respect to such reports and records; to harmonize provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 656

The following changes, required to be reported for publication in the Journal, have been made:
ER6265

1. In the Landis amendment, AM2796, on page 2, line 15, an underscored comma has been inserted after "section"; and in line 16 the comma has been struck.

2. In the E & R amendment, AM7177, amendment 2 has been struck.

3. In the Nelson amendment, AM2015:

a. On page 2, line 9, "are" has been struck and "is" inserted;

b. On page 5, line 13, the first "an" has been struck and "the" inserted;

c. On page 6, line 24, "of its organization" has been inserted after "form";

d. On page 12, lines 8 and 11, "An" has been struck and "The" inserted and in line 13 "A" has been struck and "The" inserted;

e. On page 14, line 9, "subdivision" has been struck and "subsection" inserted;

f. On page 27, line 12; and page 28, line 8, "civic" has been struck and "civil" inserted; and

g. On page 37, line 9, "fact" has been struck and "representation" inserted.

4. On page 1, the matter beginning with "real" in line 1 through line 12 has been struck and "consumer protection; to amend sections 87-303.09, 87-303.10, and 87-306, Reissue Revised Statutes of Nebraska, 1943, and section 87-303.08, Revised Statutes Supplement, 1988; to adopt the Membership Campground Act; to change and provide penalty provisions for the Uniform Deceptive Trade Practices Act; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 688

The following changes, required to be reported for publication in the Journal, have been made:
ER6267

1. In the Lindsay amendment, AM2754, on page 1, line 3, "a" has been inserted after "or".

2. In the Wesely amendment, AM2588, on page 3, line 2, the comma has been struck.

Enrollment and Review Change to LB 923

The following changes, required to be reported for publication in the Journal, have been made:
ER6264

1. In the Wesely amendment, AM2825, on page 2, line 20, "which uses" has been struck and "using" inserted.
2. On page 1, line 2, "and" has been struck and a comma inserted and "and 71-6312," has been inserted after the comma; and in line 5 "to provide a penalty for business entities which use employees who do not hold certificates;" has been inserted after the semicolon.

Enrollment and Review Change to LB 960

The following changes, required to be reported for publication in the Journal, have been made:
ER6266

1. In the E & R amendments, AM7167, on page 1, the matter beginning with "lines" in line 4 through "in" in line 5 has been struck.
2. On page 1, the matter beginning with "education" in line 1 through "Act" in line 2 has been struck and "school restructuring; to state intent; to establish a commission; to provide powers and duties; to authorize waiver of barriers to restructuring" inserted.
3. Section 1 has been struck and the remaining sections renumbered accordingly.
4. On page 3, line 14, the matter beginning with the first "for" through "initiatives" has been struck.
5. The matter beginning with "Nebraska" on page 3, line 25, through "Act" on page 4, line 1, has been struck and "Legislature" inserted.

Enrollment and Review Change to LB 1080

The following changes, required to be reported for publication in the Journal, have been made:
ER6268

1. On page 1, line 1, "71-1,258, 71-1,260," has been inserted after "sections"; in line 4 "to change certification provisions for social workers;" has been inserted after the semicolon; and in line 7 "training and" has been inserted after "of".

Enrollment and Review Change to LB 1094

The following changes, required to be reported for publication in the Journal, have been made:

ER6270

1. On page 2, line 7, paragraphing has been inserted after the colon; in line 10 paragraphing has been inserted after the semicolon; in line 11 "fire" has been struck, shown as stricken, and "Fire" inserted; in line 12 "(c) involuntary" has been struck, shown as stricken, and paragraphing and "(c) Involuntary" inserted; in line 17 ", and such" has been struck and ". Such" inserted; and in line 19 paragraphing has been inserted before "(d)", "life," has been struck, and the stricken "Life," has been reinstated.

2. On page 3, lines 5 and 6, the new matter has been struck; and in line 6 the stricken matter has been reinstated.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2978

1. Insert the following new section:

"Sec. 71. Program 953. The Board of Regents of the University of Nebraska is hereby authorized to plan through the design-development phase a public events center/headquarters building at the University of Nebraska Agricultural Research and Development Center at Mead, Nebraska. There is hereby appropriated $190,000 from the State Building Fund for FY1989-90 for such planning. The total project cost shall not exceed $2,889,661.".

2. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2858

(Amendments to Standing Committee amendments, AM2659)

1. Insert the following new amendment:

"21. Insert the following new section:

'Sec. 71. No warrant for the distribution of funds from the Ethanol Authority and Development Cash Fund for the financing of or investment in any ethanol facility or any private entity involved in the ethanol industry shall be issued until thirty days after the Ethanol Authority and Development Board has filed with the Department of Administrative Services a study of the proposed investment. The study shall include an economic analysis of the facility or entity in which the investment is proposed and a cost-benefit analysis of the investment. It is the intent of the Legislature that during this thirty-day period the state investment officer shall review the study and the proposed investment and provide any comments thereon to the board, the department, and the Legislative Fiscal Analyst.’.”.

2. Renumber remaining amendments accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 577 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2648.)

Mr. McFarland asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM2934

1. In the Standing Committee amendment, AM2521, strike amendment 2 and all amendments thereto and renumber the remaining amendments accordingly.

2. On page 2, line 2, strike “two” and insert “three”; strike beginning with “and” in line 3 through “Legislature” in line 5 and insert “on a statewide ballot”; strike line 6 and insert “appoint the members of the initial board of regents, with six of such appointed members being”; in line 8 strike “one” and insert “two”; strike beginning with “and” in line 8 through the last comma in line 10; in line 11 strike “those boards exist” and insert “such board exists” and after the second comma insert “and one additional appointed member from each congressional district”; in line 17 strike “(1)” and strike “six”; in line 18 strike beginning with “of” through “second”; in lines 19 and 21 strike “districts” and insert “district”; in line 20

strike "and" and insert an underscored comma and strike beginning with "of" through "third"; and strike beginning with "and" in line 22 through "years" in line 24 and insert ", and one member from each congressional district shall serve for a term of six years".

Mr. McFarland asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM2935

1. In the Standing Committee amendments, AM2521, strike amendment 2 and all amendments thereto and renumber the remaining amendments accordingly.

2. On page 2, line 2, strike "two" and insert "three"; in line 3 strike "elected" and strike "and"; in line 4 strike "five members"; strike beginning with "The" in line 5 through line 13 and remove the paragraphing; in line 17 strike "(1)"; strike beginning with "six" in line 17 through "five" in line 22; in line 23 after "one" insert "from each congressional district" and strike "and two" and insert ", one from each congressional district"; and in line 24 strike "terms" and insert "a term" and after "years" insert ", and one from each congressional district shall serve for a term of six years".

Mr. Withem asked unanimous consent to print the following amendment to LB 1221 in the Journal. No objections. So ordered.

AM2967

1. Insert the following new section:

"Sec. 3. That section 18-1909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1909. All original and renewal licenses shall be good for one year from ~~their dates; PROVIDED,~~ the date of issuance, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the board showing the holder of the license to be ~~then~~ incompetent or guilty of a willful breach of the rules, regulations, or requirements of the board~~,~~ or of the laws or ordinances relating thereto~~,~~ or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.”.

2. On page 2, reinstate the stricken matter beginning with “The” in line 6 through the period in line 11; in line 8 after the first reinstated comma insert “an architect licensed to practice in the State of Nebraska, an engineer licensed to practice in the State of Nebraska,”; in line 9 after the reinstated “The” insert “architect, engineer, and”; in line 11 after the reinstated period insert “The chief health officer, architect, and engineer shall be residents of the city.”; and in lines 11 through 16 strike the new matter.

3. On page 3, line 1, after the period insert “A member shall continue to serve until his or her successor has been appointed and qualified.”.

4. On page 4, line 21, after the period insert “The city or village shall make available to the board a location for the board to meet and conduct business at a time convenient for the members of the board.”.

5. On page 5, line 5, after “(8)” insert “The plumbing board in a city of the metropolitan class shall maintain a record of all complaints filed in the city regarding violations of the plumbing code and a record of the disposition of each such complaint.

(9)”.

6. On page 7, line 17, after the period insert “The board shall have the authority to hear appeals from the plumbing board in matters regarding variances and interpretation of ordinances, rules, and regulations. The board shall adopt rules governing such appeals.

It is the intent of the Legislature that the board currently acting as the Building Board of Review meets the intent of this subsection.”; and in line 18 strike “section” and insert “sections” and after “18-1906” insert “and 18-1909”.

7. Renumber the remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 989 in the Journal. No objections. So ordered.

AM2891

1. Strike the original sections and insert the following new sections:

"Section 1. It is the intent of the Legislature to ensure that adequate health care is affordable and accessible to all citizens of the state and that consumers make more informed decisions about the purchase of health care. To accomplish these goals, the Legislature needs complete and accurate information about the costs and utilization of medical services.

The Legislature recognizes that information on the costs of medical services provides only a partial, but vital, impact regarding the selection of health care which must necessarily include other factors such as availability and quality of care.

The Legislature further recognizes that in order to assist public and private employers, consumers, health insurance companies, and other third-party payors in making decisions about the purchase of health care, the availability and dissemination of information regarding the costs and utilization of medical services is requisite and fundamental.

Sec. 2. The Legislature shall establish a Health Care Data Commission. The commission shall consist of twelve members. The Chairperson of the Health and Human Services Committee of the Legislature shall be a nonvoting member of the commission and shall serve as the chairperson of the commission. The commission shall include: One hospital representative; one health insurance provider representative; one business owner or manager; one representative of organized labor; two private citizens; one university faculty member; one physician; one nurse; one representative from the Department of Health; and one representative from the Department of Social Services. At least three members shall come from each congressional district. Members of the commission shall be appointed by the Executive Board of the Legislative Council and shall serve for three-year terms. Members of the commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 3. The Health Care Data Commission shall:

(1) Establish policies and procedures pursuant to this act;

(2) Monitor and review the data collection process provided for in section 4 of this act;

(3) Identify and propose cost containment efforts and measures;

(4) Provide information and assistance to consumers and purchasers of health care;

(5) Ensure the protection of private medical records;

(6) Publish information on health care utilization, revenue, and expenses for use by public and private employers, health insurance carriers, health care providers, consumers, and the Legislature;

(7) Make specific policy recommendations to the Legislature regarding the state's medicaid and other state-funded health programs, including health insurance provided by the state and political subdivisions;

(8) Encourage competition among health care providers by furnishing information on statewide costs of medical services to assist hospital administrators make decisions regarding the financing, planning, and marketing of medical services;

(9) Project health care trends;

(10) Make recommendations to improve the efficient use of medical services;

(11) Encourage open market competition among health care providers and payors; and

(12) Promote consumer education in the area of medical services.

Sec. 4. The Director of Research of the Legislature shall establish a health care data center. The purpose of the data center shall be to collect information regarding the costs and utilization of medical services and report its findings to the Health Care Data Commission. Such information may include existing information and such information as may be voluntarily provided by employers to the data center. The director shall also collect information for the data center from hospitals, using hospital uniform billing forms described in section 71-2067. Hospitals may submit the data to the director in computer format.".

GENERAL FILE

LEGISLATIVE BILL 1031. Messrs. Coordsen, Hefner, Byars, Schmit, Peterson, Bernard-Stevens, Schellpeper, Morrissey, Dierks, Korshoj, and Mrs. Robak offered the following amendment to the Standing Committee amendment:

AM2979

(Amendments to Standing Committee amendments, AM2659)

1. On page 25, lines 4 and 5, strike "23,498,454" and insert "25,723,578"; and in line 20 strike "$23,498,454" and insert "$25,723,578".

2. On page 26, line 16, strike "individual"; in line 17 strike "Client eligibility for funding" and insert "Funding"; in line 19 after the first "department" insert "for clients enrolled after January 1, 1990"; and strike beginning with "any" in line 20 through "met" in line 21 and insert "client services when the services provided do not meet minimum standards as stated in the department's regulations".

3. On page 28, line 17, after "Waiver" insert "above the FY1989-90 total"; and strike line 18 and insert "the mental retardation regions in the following percentages: Mental Retardation Region I - 7.28 percent, Mental Retardation Region II - 6.23 percent, Mental Retardation Region III - 13.94 percent, Mental Retardation Region IV - 13 percent, Mental Retardation Region V - 25.75 percent, Mental Retardation Region VI - 27.63 percent, and private providers - 6.17 percent.".

4. On page 29, line 9, after "younger" insert "as of July 1, 1990".

5. On page 32, line 18, strike "2,447,792" and insert "2,503,569"; and in line 22 strike "3,551,450" and insert "3,607,227".

6. On page 33, line 1, strike "2,072,578" and insert "2,351,824"; in line 5 strike "2,889,102" and insert "3,168,348"; in line 8 strike "5,751,812" and insert "5,847,559"; in line 12 strike "7,702,752" and insert "7,798,499"; in line 15 strike "4,503,898" and insert "4,682,071"; in line 19 strike "6,617,937" and insert "6,796,110"; and in line 22 strike "8,960,828" and insert "10,307,009".

7. On page 34, line 2, strike "12,229,015" and insert "13,575,196"; after line 9 insert:

"Private Providers

FY1989-90 FY1990-91

GENERAL FUND	-0-	270,000
TOTAL	-0-	270,000"

in line 13 strike "33,279,119" and insert "35,504,243"; in line 17 strike "46,271,139" and insert "48,496,263"; and after line 17 insert:

"There is included in the appropriation to this program for FY1990-91 $2,225,124 General Funds. It is the intent of the Legislature that this appropriation be used to meet the needs of persons currently receiving services and to ensure the continuation of such services through FY1990-91.".

Mr. Withem, Mmes. Pirsch, and Beck asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

FA400

On page 25 in lines 4, 5 and 20 strike "23,498,454" and insert "29,498,454";

On page 34 in line 5 strike "9,542,211" and insert "15,542,211"; in line 9 strike "13,280,883 and insert "19,280,883"; in line 13 strike "33,279,119" and insert "39,279,119"; in line 17 strike "46,271,139" and insert "52,271,139."

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2963

1. Insert the following new section:

"Sec. 64. There is hereby appropriated $395,000 from the State Building Fund for FY1989-90 to Kearney State College, for Program 919, Museum of Nebraska Art. In consideration of a $1,000,000 private foundation challenge grant expiring June 30, 1990, and private and corporate donations to date totaling $1,775,646 toward the $3,773,758 cost of renovating the Museum of Nebraska Art and constructing an addition to the existing structure, there is included in the appropriation to this program $395,000 from the State Building Fund as partial funding of the remaining $988,112 required to effectuate the private foundation challenge grant and initiate the museum renovation and addition project. The appropriation to this program shall be used only to effectuate the $1,000,000 private foundation challenge grant and to provide partial funding for the Museum of Nebraska Art renovation and addition project.”.

2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 280. Introduced by Conway, 17th District; Baack, 47th District.

WHEREAS, the Legislature has not recently done a thorough study of all matters concerning veterans, veterans’ affairs, veterans’ needs, and the proper levels of involvement and participation by state government in meeting the needs of veterans; and

WHEREAS, as time passes veterans of World War II are moving and have moved into their senior citizen years and may require more services from state government or alterations in the way services are provided; and

WHEREAS, the Legislature has designated a separate committee of the Legislature to specifically deal with matters affecting all veterans in Nebraska, namely the Government, Military and Veterans Affairs Committee; and

WHEREAS, it is the expressed desire of all veterans groups recognized by the state to have as their first priority, as identified by a unanimous vote of the Nebraska Veterans Council in December 1988 and again in February 1989, a comprehensive and indepth study of all matters affecting veterans, such study to be conducted by the Government, Military and Veterans Affairs Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a comprehensive and indepth study as outlined in this resolution be conducted by the Government, Military and Veterans Affairs Committee.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 958. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 third and fourth grade students and teacher from Platteville School.

ADJOURNMENT

At 5:06 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Tuesday, March 13, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 13, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 13, 1990

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Father Jim Fitzgerald, St. Phillip Neri, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present Messrs. Abboud, Baack, Chambers, Conway, Elmer, Haberman, Hall, Hannibal, R. Johnson, Kristensen, Landis, Lindsay, Moore, Morrissey, Schellpeper, Schmit, Wesely, Mmes. Labedz, Smith, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

PRESIDENT NICHOL PRESIDING

REPORT

Received Greater Omaha Service Delivery Area Job Training Plan for July 1, 1990 through June 30, 1992.

RESOLUTIONS

LEGISLATIVE RESOLUTION 276. Read. Considered.

LR 276 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 278. Read. Considered.

Mr. Hefner offered the following amendment:
FA401
by striking "at Lincoln" in the first Whereas.

The Hefner amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LR 278, as amended, was adopted with 28 ayes, 0 nays, and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 551A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1063A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE RESOLUTION 239CA. Mr. McFarland renewed his pending amendment (1), AM2899, found in the Journal on page 1285.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?"

Mrs. Langford moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The motion to cease debate prevailed with 26 ayes, 4 nays, and 19 not voting.

The McFarland amendment lost with 8 ayes, 24 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. McFarland renewed his pending amendment, AM2934, found in the Journal on page 1313.

Mr. McFarland withdrew his pending amendment.

Mr. McFarland withdrew his pending amendment, AM2935, found in the Journal on page 1314.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 17 nays, and 13 not voting.

Mr. Weihing moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. McFarland moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. McFarland requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 26:

Ashford
Barrett
Beck
Bernard-Stevens
Chizek
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Landis
Langford
Lindsay
Lynch
Moore
Morrissey
Nelson
Robak
Rogers
Scofield
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 19:

Abboud
Baack
Byars
Chambers
Coordsen
Crosby
Haberman
Johnson, R.
Korshoj
Labedz
Lamb
McFarland
Peterson
Pirsch
Schellpeper

Schimek Schmit Smith Wesely

Present and not voting, 1:

Conway

Excused and not voting, 3:

Beyer Dierks Hannibal

Advanced to E & R for review with 26 ayes, 19 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2994

(Amendments to Standing Committee amendments, AM2659)

1. Insert the following new amendment:

“38. On page 63, after line 23 insert the following:

‘In the distribution of any funds appropriated under this section to Program No. 300 - Scholarship Assistance Program and Program No. 301 - State Scholarship Award Program, there shall be no discrimination against any student in the awarding or withholding of aid based on participation or nonparticipation in any intercollegiate athletic program or activity.’.”.

2. Renumber remaining amendments accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 1136 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2973.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 281. Introduced by Baack, 47th District.

WHEREAS, the Bridgeport Bulldogs boys' basketball team won the Class C-1 Championship in the Boys' State High School Basketball Tournament; and

WHEREAS, this honor marked the school's first boys' state basketball championship; and

WHEREAS, the Bulldogs completed their season with a 25-0 record; and

WHEREAS, the team's hard work and diligent efforts should be commended and are deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations to the Bridgeport Bulldogs boys' basketball team.
2. That a copy of this resolution be sent to Coach Gary Oltmann, Assistant Coach Kevin Myers, and the team in recognition of their accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 282. Introduced by Lynch, 13th District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the definition of infectious medical waste in Nebraska to protect the public health and safety of the citizens of Nebraska. Highly publicized instances of improper disposal of medical waste in other states have raised the public's concern over proper medical waste handling. Medical waste, if it is infectious, can pose a public health problem. A scientifically based definition will protect the public from the spread of infection and also promote the cost-effective disposal of infectious waste by appropriate means. The adequacy of Nebraska law concerning the ability to use appropriate alternatives to incineration of medical waste should be specifically reviewed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the appropriate state agencies, to carry out the purpose of this resolution. The committee should solicit input from

the public, interested persons, persons with specific expertise in the area of medical waste, persons who would be impacted by the revision of the definition of infectious medical waste, and groups of persons with statewide membership as it deems necessary and beneficial to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

EXPLANATION OF VOTE

Had I been present, I would have voted no on LB 642.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Lamb, Hartnett, Weihing, Byars, Moore, Wehrbein, Rogers, Peterson, Mmes. Langford, and Beck asked unanimous consent to have their names added as co-introducers to LR 278. No objections. So ordered.

VISITORS

Visitors to the Chamber were 35 fourth grade students and teacher from Robbins, Omaha; Glen Wiens from Ayr; 44 members of Plattsmouth Chamber of Commerce; 35 fourth grade students and teacher from Watson Elementary, Hastings; and students and sponsors from York and Stromsburg.

RECESS

At 12:06 p.m., on a motion by Mr. R. Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. L. Johnson presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Wesely who were excused; and Messrs. Ashford, Goodrich, Hall, R. Johnson, Kristensen, Landis, Schmit, and Mrs. Labedz who were excused until they arrive.

SPEAKER BARRETT PRESIDING

PRESIDENT NICHOL PRESIDING

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 278. Introduced by Hefner, 19th District; Withem, 14th District; L. Johnson, 15th District; Warner, 25th District; Goodrich, 20th District; Barrett, 39th District; Labedz, 5th District; Langford, 36th District; Hartnett, 45th District; Weihing, 48th District; Byars, 30th District; Moore, 24th District; Wehrbein, 2nd District; Rogers, 41st District; Peterson, 21st District; Beck, 8th District.

WHEREAS, Dr. Ronald W. Roskens served as President of the University of Nebraska for twelve years with highest distinction and dedication; and

WHEREAS, prior to such time Dr. Roskens served as Chancellor of the University of Nebraska at Omaha; and

WHEREAS, the University and all of the citizens of Nebraska benefited from Dr. Roskens' service; and

WHEREAS, Dr. Roskens' wife, Lois, served on the Nebraska Arts Council and has assisted in many community service projects; and

WHEREAS, Dr. Roskens was appointed by President Bush to serve as Director of the Agency for International Development; and

WHEREAS, his appointment has been confirmed; and

WHEREAS, he is highly qualified for this position of leadership and will represent our nation in efforts to help other nations; and

WHEREAS, Nebraskans are grateful to Dr. and Mrs. Roskens, are proud of them and their record of service in our state, and feel that the Roskens' will always be considered important Nebraskans in our state's history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Dr. Roskens on his appointment and confirmation and wishes him the best in that position.

2. That a copy of this Resolution be sent to Dr. Ronald and Lois Roskens.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 278.

(Signed) John C. Lindsay, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following enrolled resolution: LR 278.

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 276.

RESOLUTIONS

LEGISLATIVE RESOLUTION 283. Introduced by Hall, 7th District; Chizek, 31st District; Labedz, 5th District.

WHEREAS, the Academic Decathlon was created in 1968 to motivate students to strive for academic excellence through competition and to promote academics and the expansion of human minds; and

WHEREAS, Omaha South High School has won the 1990 Academic Decathlon and now will represent Nebraska in the national finals; and

WHEREAS, the members of the team worked hard to excel in this competition and deserve to be recognized for the accomplishment which they have attained through hard work, dedication, and outstanding ability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and applauds the efforts of the following Omaha South High School students on their outstanding academic achievement: Sandra Antoniak, Virginia Garcia, Bo Song, Tara Pfeffer, Ernest Simmons, Patrick Bishop, Tammy Boris,

Alkaben Patel, Russell Brown, Christian Maranzielle, Renee Novy, and Mychelle Bowerly.

2. That the Legislature commends and applauds the efforts of the coaches, Mellanie Kzasnicka and Toni Turnquist, who gave valuable time and effort to help these students.

3. That a copy of this resolution be sent to Omaha South High School in recognition of this achievement.

Laid over.

LEGISLATIVE RESOLUTION 284. Introduced by Hall, 7th District; Chizek, 31st District; Labedz, 5th District.

WHEREAS, Omaha South High School, through hard work, teamwork, and outstanding athletic ability, won the Class A Boys State Basketball Championship this season with a record of 22-2; and

WHEREAS, the team members Chuck Robinson, Chris Marrion, Marlon Pratt, Brian Dymek, Gregory Brand, George Mountain, Wendell Hill, Rodney Davis, David Turnbo, Terrance Badgett, Alex McIntosh, and Jamal Rankin have found that the aforementioned qualities led to Omaha South's first basketball championship since 1960; and

WHEREAS, Coach Joe Nuenberger and Assistant Coaches Jeff Potter, Mario Remijio, and Keith Bigsby as well as trainer Jorge Geronimo have found that dedication and the ability to work with those players have resulted in a successful program and season; and

WHEREAS, Omaha South High School fans and students were excellent representatives of the city, school, and state and have displayed the ability to make their school better through working together.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and applauds the efforts of Omaha South High School for its efforts and recognition of its winning the Boys' State Basketball Championship.

2. That a copy of this resolution be sent to Omaha South High School in recognition of this achievement.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1031. The Coordsen et al. pending amendment, AM2979, found in the Journal on page 1318, to the Standing Committee amendment, was renewed.

SPEAKER BARRETT PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Coordsen et al. amendment was adopted with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Goodrich offered the following amendment to the Standing Committee amendment:
AM2969
(Amendments to Standing Committee amendments, AM2659)

1. Strike amendment 24 and insert the following new amendment:

"24. On page 21, strike line 2 and insert:
'GENERAL FUND 20,215,027 20,802,319'
strike line 6 and insert:
'PROGRAM TOTAL 20,867,552 21,262,251'
in line 11 strike '$14,691,338' and insert "$14,675,838'.".

Messrs. R. Johnson and Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 3 nays, and 28 not voting.

MR. HANNIBAL PRESIDING

Mr. Goodrich moved for a call of the house. The motion prevailed with 12 ayes. 1 nay, and 36 not voting.

Mr. Goodrich requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud
Barrett
Beck
Beyer
Chizek
Elmer
Goodrich
Haberman
Hefner
Korshoj
Kristensen
Langford
Nelson
Peterson
Pirsch
Robak
Weihing

Voting in the negative, 21:

Ashford
Baack
Bernard-Stevens
Byars
Chambers
Conway
Crosby
Hall
Hannibal
Johnson, L.
Lamb
Landis
Lindsay
Moore
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein

Present and not voting, 7:

Coordsen
Hartnett
Johnson, R.
Lynch
McFarland
Schmit
Withem

Excused and not voting, 4:

Dierks
Labedz
Morrissey
Wesely

The Goodrich amendment lost with 17 ayes, 21 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Barrett offered the following amendment to the Standing Committee amendment:
FA402

In the Appropriations Committee amendments (AM2659) on page 51, in lines 22 and 23, strike "0" and insert "70,000", on page 52, after line 4, insert "There is included in the appropriation to this program, $70.000 for development and distribution of a video on the Legislature and legislative process." and in lines 18 and 19, strike "8,000" and insert "78,000".

Messrs. Abboud and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

The Barrett amendment was adopted with 25 ayes, 9 nays, 8 present and not voting, and 7 excused and not voting.

PRESIDENT NICHOL PRESIDING

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 656 in the Journal. No objections. So ordered.

AM2929

(Amendments to Final Reading copy)

1. On page 11, strike beginning with "audited" in line 1 through "unaudited" in line 2 and insert "and a"; in line 3 after "quarter" insert "prepared by an independent unlicensed accountant or a certified public accountant"; and strike beginning with "The" in line 3 through line 9.

Mr. Schmit asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2990

1. Insert the following new section:

"Sec. 35. AGENCY NO. 64 -- NEBRASKA STATE PATROL

Program No. 100 - Public Protection

	FY1989-90	FY1990-91
GENERAL FUND	-0-	1,000,000
PROGRAM TOTAL	-0-	1,000,000

It is the intent of the Legislature that the funds appropriated to this program be used for the purchase of a helicopter for law enforcement purposes.".

2. Renumber the remaining sections accordingly.

Messrs. Warner and Withem asked unanimous consent to print the following amendment to LB 1141 in the Journal. No objections. So ordered.

AM2975

1. Insert the following new sections:

"Sec. 12. It is the intent of the Legislature that a clear distinction between area governance and statewide coordination for the technical community college areas should be recognized and that such coordination is appropriate in order to provide the most cost-effective programs for residents of each technical community college area. It is further the intent of the Legislature that the technical community college areas should voluntarily coordinate programs of the areas and that to assist in this task they should form an association formed as a nonprofit corporation to provide coordination services to its members. Nothing in this section shall be construed to require or provide for state control of the operations of any technical community college area or to abridge the governance ability, rights, or responsibilities of any technical community college area board.

Sec. 17. It is the intent of the Legislature that provisions for the governance of each institution in effect on June 30, 1991, shall remain in effect after such date until the appropriate body, whether the Legislature, the board of regents, or a board of trustees, amends such provisions in accordance with any procedures established in such provisions. For purposes of this section, provisions for governance shall include, but not be limited to, (1) the role and mission statements contained in sections 85-917 to 85-967, (2) the bylaws, policies, regulations, and procedures of the Board of Regents of the University of Nebraska, the Board of Trustees for the Nebraska State Colleges, and the institution as they provide for or determine (a) academic governance and faculty status and benefits, (b) faculty senates and other campus-wide committees, (c) processes for recommending curricula, programs, degrees, and other certifications or licensures, (d) student-related policies, (e) business affairs policies, and (f) personnel policies, including affirmative action, and (3) collective bargaining agreements or orders pertaining to the 1991-93 biennium.".

2. In the Standing Committee amendments, AM2555:

a. On page 5, lines 3 and 4, strike "and insert 'voting' ";

b. On page 6, strike beginning with "line" in line 10 through line 12 and insert "line 16, strike 'and' and insert 'an association of technical community college area boards'; and in line 17 strike 'technical community college area boards' and insert 'members of such boards, except that no more than one person from the same board shall serve at the same time'.";

c. On page 9, line 13, after "boards" insert "or an association of such boards"; and in line 14 after "such" insert "association of"; and

d. On page 10, line 11, after "Approve" insert "and recommend to the Legislature".

3. On page 4, line 16, after the period insert "The student member shall not have a vote unless the Constitution of Nebraska is amended to provide that a student member of a board of trustees shall be entitled to vote.".

4. On page 14, strike beginning with "two" in line 14 through "district" in line 15 and insert "six members elected on a nonpartisan basis"; in line 17 after the period insert "One elected member shall be elected from each of six districts of approximately equal population established by the Legislature.".

5. On page 17, line 22, after the first comma insert "deny,".

6. On page 19, line 12, strike "The" and insert "Except for state targeted research and incentive funds, the"; in line 13 after "funds" insert "for the institutions"; and strike beginning with "and" in line 13 through "regents" in line 15.

7. On page 21, line 7, after "allocate" insert "state".

8. Renumber the remaining sections and correct internal references accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1059. Placed on Select File as amended.
E & R amendment to LB 1059:
AM7185

1. In the Dierks amendment, AM2837, on page 1, line 3, strike "created in section 81-15,113.01"; and in line 4 strike "through" and insert "pursuant to".

2. In the Standing Committee amendments,

AM2309, on page 1, line 7, strike "to" and insert "from".

3. On page 1, line 2, strike "79-1369" and insert "79-12,145"; in line 3 strike "79-12,145" and insert "79-1369"; and in line 6 after the first comma insert "77-2715.02,".

4. On page 2, lines 1 and 2, after "tax" insert "rate"; in line 2 after the semicolon insert "to change a provision relating to income tax rate schedules;"; in line 3 after the semicolon insert "to eliminate certain funds;"; in line 7 after "to" insert "79-1340, 79-1342 to"; and in line 11 after the first comma insert "79-1331,".

5. On page 5, lines 8, 15, and 19; page 6, lines 4 and 16; page 8, lines 2, 3, and 14; page 20, line 15; page 28, line 10; and page 31, line 21, strike "school".

6. On page 5, line 1, after "than" insert "the".

7. On page 6, line 21, strike "Uniform" and insert "Nebraska".

8. On page 7, line 7, after "amount" insert "of income tax".

9. On page 8, line 23, strike "subdivision" and insert "subsection"; and in line 25 after "year" insert an underscored comma and strike "resident".

10. On page 9, line 1, strike "individual"; in line 4 strike "for" and insert "certified pursuant to"; in line 8 strike "resident" and insert "certified"; and in line 13 strike "any" and insert "a".

11. On page 10, line 13, strike "resident".

12. On page 11, line 6, after "of" insert "the regular session of" and strike "department" and insert "State Department of Education".

13. On page 12, line 22, strike "upon" and insert "on".

14. On page 13, line 12, strike "of" and insert "for such"; in lines 12 and 13 and 15 strike "one through six, including full-day kindergarten,"; and in line 14 after "for" insert "such".

15. On page 14, lines 10 and 13, before "grades" insert "such"; and in lines 10 and 11 and 13 strike "nine through twelve".

16. On page 17, line 9, after "general"

insert “fund” and after “expenditures” insert “per student”; in line 13 strike “needs” and insert “need”; and in line 15 strike “exceed” and insert “exceeds”.

17. On page 19, line 21, strike “taxing area”; and in line 25 strike “the laws” and insert “law”.

18. On page 19, line 23, strike “Education” and insert “Tax Equity and Educational Opportunities”.

19. On page 21, lines 11 and 12, strike “in the State Treasury”; in line 13 after “Fund” insert an underscored comma; in line 15 strike “shall”; in line 18 strike “and”; in line 22 after “made” insert “by the Legislature”; and strike beginning with the first “the” in line 23 through “Fund” in line 24 and insert “such funds”.

20. On page 25, line 17, after “budget” insert “of”.

21. On page 26, line 10, after “reserves” insert “by”; in line 19 strike “Districts” and insert “A district” and strike “their” and insert “its”; and in line 20 strike “rates” and insert “rate”.

22. On page 27, lines 2 and 3 and line 5, strike “the number of”; in line 24 after “its” insert “general fund”; and in line 25 after “of” insert “operating” and after “ensuing” insert “school”.

23. On page 29, line 13, strike the second “of” and insert “by”; in line 18 after “its” insert “general fund” and after “of” insert “operating”; and in line 23 strike “petitions” and insert “petition”.

24. On page 30, line 2, strike “Any” and insert “A”; in lines 3 and 8 after “its” insert “general fund” and after “of” insert “operating”; and in lines 20 and 22 strike “state”.

25. On page 31, line 17, strike the first “plan” and insert “provisions of the Tax Equity and Educational Opportunities Support Act” and strike the second “plan” and insert “act”; and in lines 21 and 24 strike “plan” and insert “act”.

26. On page 32, line 5, strike “Financial” and insert “State” and after “assistance” insert “payable pursuant to the Tax Equity and Educational Opportunities Support Act”; and in line 17 strike “Education Support Act” and insert “act”.

27. On page 32, line 22; page 33, line 5; and

page 39, line 12, after “all” insert “state”.

28. On page 33, line 8, strike “budget of”; in line 9 after “fund” insert “budget of”; and in line 10 strike “financial”.

29. On page 34, line 2, strike “As used in” and insert “For purposes of”.

30. On page 39, line 8, after “Educational” insert “Opportunities”.

31. On page 43, line 16; page 44, lines 1 and 2; page 47, line 16; and page 49, line 13, strike “State Department of Education”, show as stricken, and insert “department”.

32. On page 44, line 8, strike “are” and insert “shall be”.

33. On page 50, line 18, after the second comma insert “79-1331,”.

34. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1059A. Placed on Select File.

LEGISLATIVE BILL 1244. Placed on Select File as amended.
E & R amendment to LB 1244:
AM7184

1. On page 6, line 8, strike “119,046.94” and all amendments thereto and insert “117,396.08”.

LEGISLATIVE BILL 843. Placed on Select File as amended.
E & R amendment to LB 843:
AM7186

1. In the Baack amendment, AM2840:

a. On page 1, line 13, strike “, for” and insert “to”; and in line 15 strike the comma; and

b. On page 2, line 18, strike “cost” and insert “79-3304”.

2. On page 1, line 9, after “transfers” insert “, eligibility for the program and transportation reimbursement, attendance requirements, and acceptance standards”.

3. On page 2, line 4, after “eliminate” insert “a fund, provisions on payment of tuition by former county high school districts, and”; in line 6 after the semicolon insert “to provide severability;”; and in line 7 after “also” insert “sections 79-1103.02

and 79-1103.03, Reissue Revised Statutes of Nebraska, 1943, and".

4. On page 8, lines 13 and 14 and line 24, strike beginning with "report" through "of" and insert "fall school district membership report as defined in".

5. On page 9, line 7, strike "that" and insert "who".

6. On page 11, line 8, strike "the".

7. On page 14, line 3; and page 15, line 22, after "on" insert "or before".

8. On page 17, strike beginning with the comma in line 4 through "79-1338" and all amendments thereto.

LEGISLATIVE BILL 843A. Placed on Select File.
LEGISLATIVE BILL 551A. Placed on Select File.
LEGISLATIVE BILL 1063A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1031. Mr. Withem offered the following amendment to the Standing Committee amendment:
FA403

In the Appropriations Committee amendments (AM2659) on page 51, in lines 22 and 23, strike "0" and insert "20,000", on page 52, after line 4, insert "There is included in the appropriation to this program, $20,000 for continuation of the television broadcast of hearings.", and in lines 18 and 19, strike "8,000" and insert "28,000".

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud
Baack
Barrett
Bernard-Stevens
Beyer
Chambers
Conway
Coordsen
Crosby
Elmer
Hall
Hartnett
Hefner
Korshoj

Kristensen McFarland Rogers Smith Withem
Labedz Nelson Schellpeper

Voting in the negative, 12:

Ashford Johnson, L. Lindsay Pirsch Schmit
Beck Landis Moore Robak Warner
Byars Langford

Present and not voting, 9:

Goodrich Hannibal Lamb Scofield Weihing
Haberman Johnson, R. Lynch Wehrbein

Excused and not voting, 6:

Chizek Morrissey Peterson Schimek Wesely
Dierks

The Withem amendment lost with 22 ayes, 12 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Korshoj offered the following amendment to the Standing Committee amendment:
AM2982
(Amendments to Standing Committee amendments, AM2659)

1. Insert the following new amendment:

"37. On page 63, line 17, before 'Program' insert '(1)'; and after line 23 insert the following new subsections:

'(2) Program No. 300 - Scholarship Assistance Program

	FY1989-90	FY1990-91
GENERAL FUND	-0-	125,000
PROGRAM TOTAL	-0-	125,000

No expenditures for personal services shall be made from funds appropriated to this program.

(3) Program No. 301 - State Scholarship Award Program

	FY1989-90	FY1990-91
GENERAL FUND	-0-	125,000
PROGRAM TOTAL	-0-	125,000

No expenditures for personal services shall be made from funds appropriated to this program.'.".

2. Renumber remaining amendments accordingly.

Mr. Korshoj moved for a call of the house. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Mr. Korshoj requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Abboud
Ashford
Beck
Bernard-Stevens
Byars
Chambers
Conway
Coordsen
Crosby
Goodrich
Hall
Hartnett
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Nelson
Robak
Rogers
Schellpeper
Schmit
Smith
Withem

Voting in the negative, 8:

Baack
Hannibal
Johnson, L.
Lamb
Langford
Scofield
Warner
Wehrbein

Present and not voting, 7:

Barrett
Beyer
Elmer
Haberman
Moore
Pirsch
Weihing

Excused and not voting, 6:

Chizek
Dierks
Morrissey
Peterson
Schimek
Wesely

The Korshoj amendment was adopted with 28 ayes, 8 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch asked unanimous consent to replace his pending amendment, FA400, found in the Journal on page 1319 with a substitute amendment. No objections. So ordered.

Mr. Lynch withdrew his pending amendment, FA400, found in the Journal on page 1319.

Mr. Lynch offered the following substitute amendment to the Standing Committee amendment:
FA408

On page 25 in lines 4, 5 and 20 strike “23,498,454” and insert “24,844,635”; On page 34 in line 5 strike “9,542,211” and insert “10,888,392”; in line 9 strike “13,280,883” and insert “14,627,064”; in line 13 strike “33,279,119” and insert “34,625,300”; in line 17 strike “46,271,139” and insert “47,617,320.”

Messrs. Abboud, Hefner, Moore, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Lynch requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beck
Byars
Chambers
Crosby
Hall
Hartnett
Johnson, R.
Korshoj
Kristensen
Labedz
Lindsay
Lynch
McFarland
Rogers
Schellpeper
Schmit
Smith
Withem

Voting in the negative, 7:

Hannibal
Johnson, L.
Lamb
Landis
Langford
Scofield
Warner

Present and not voting, 13:

Baack
Barrett
Bernard-Stevens
Conway
Coordsen
Elmer
Goodrich
Haberman
Nelson
Pirsch
Robak
Wehrbein
Weihing

Excused and not voting, 11:

Abboud
Ashford
Beyer
Chizek
Dierks
Hefner
Moore
Morrissey
Peterson
Schimek
Wesely

The Lynch amendment lost with 18 ayes, 7 nays, 13 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Warner renewed his pending amendment, AM2858, found in the Journal on page 1312, to the Standing Committee amendment.

Messrs. Hall, Barrett, Mmes. Labedz, Smith, and Beck asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Abboud
Bernard-Stevens
Byars
Coordsen
Crosby
Elmer
Haberman
Hannibal
Hartnett
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lynch
McFarland
Morrissey
Nelson
Peterson
Robak
Rogers
Schmit
Scofield
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 4:

Baack
Conway
Goodrich
Johnson, R.

Present and not voting, 3:

Lindsay
Pirsch
Schellpeper

Absent and not voting, 1:

Chambers

Excused and not voting, 13:

Ashford
Barrett
Beck
Beyer
Chizek
Dierks
Hall
Hefner
Labedz
Moore
Schimek
Smith
Wesely

The Warner amendment was adopted with 28 ayes, 4 nays, 3 present and not voting, 1 absent and not voting, and 13 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

March 13, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1044, 844, 853, 903, 919, 983, 1086, 1105, 1119, 1165, 1167, 1183, 1216, 1217, and 1228 were received in my office on March 8, 1990.

These bills were signed by me on March 13, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

MOTION - Reconsider Action on LB 1031

Mr. Beyer moved to reconsider the vote on the Coordsen amendment to LB 1031. found on page 1241 of the Journal.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 688A. Introduced by Lindsay, 9th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 688, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM3007

1. On page 63, after line 23 insert the following:

"In the distribution of any funds appropriated under this section to Program No. 300 - Scholarship Assistance Program and Program No. 301 - State Scholarship Award Program, there shall be no discrimination against any student in the awarding or withholding of aid based on participation or nonparticipation in any intercollegiate athletic program or activity.".

Messrs. L. Johnson, Peterson, Mmes. Pirsch, and Beck asked unanimous consent to print the following amendment to LB 976 in the Journal. No objections. So ordered.

AM2799

1. On page 2, line 13, strike "and (8)" and insert ", (8), (15), and (16)".

2. On page 2, line 23; page 3, lines 7, 16, and 25; and page 4, line 5, strike "subsection (8)" and insert "subsections (8), (15), and (16)".

3. On page 8, after line 7, insert the following new subsections:

"(15) Except as authorized by the act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance to a person under the age of eighteen years shall be punished by the penalty prescribed in the next higher penalty classification than the penalty prescribed in subsections (2), (4), or (5) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(16)(a) Except as authorized by the act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance.

(b) Except as authorized by the act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to aid and abet any person in the manufacture, transportation, distribution, carrying, delivery, dispensing, preparation for delivery, offering for delivery, or possession with intent to do the same of a controlled substance or a counterfeit controlled substance.

(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the penalty prescribed in the next higher penalty classification than the penalty prescribed in subsections (2), (4), or (5) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(17) It shall not be a defense to prosecution for violation of subsection (15) or (16) of this section that the defendant did not know the age of the person through whom the defendant violated such subsection.".

Mr. Barrett asked unanimous consent to print the following amendment to LB 1153 in the Journal. No objections. So ordered.

AM2999

(Amendments to Standing Committee amendments, AM2572)

1. Strike sections 4 and 33.

2. On page 1, line 3, strike "52" and insert "50".

3. On page 2, line 2, strike "20" and insert "19".

4. On page 4, strike beginning with "The" in line 1 through line 4.

5. On page 5, line 15, after "report" insert "for a fee or other valuable consideration"; in line 17 strike "for"; and strike line 18 and insert "and who advertises as or holds himself or herself out to the general public for real estate appraisal activity.".

6. On page 6, line 17, strike "22" and insert "21"; in line 18 strike "engage in" and insert "act as a"; and in line 19 strike "appraisal activity" and insert "appraiser".

7. On page 7, strike lines 1 through 11 and insert

"(1) Any real estate appraiser who is a salaried employee of (a) the federal government, (b) any agency of the state government or political subdivision which appraises real estate, (c) any insurance company authorized to do business in this state, or (d) any bank, savings bank, savings and loan association, building and loan association, credit union, industrial loan and investment company, or small loan company licensed by the state or supervised or regulated by or through federal enactments covering financial institutions, except that any employee of the entities listed in subdivisions (a) through (d) of this subdivision who also practices as an independent real estate appraiser for others shall be subject to the act and shall be licensed or certified prior to engaging in such other appraising;".

8. On page 8, strike lines 20 through 24 and insert "who is a licensed appraiser shall be selected from each of the three congressional districts, and two members who are not real estate appraisers shall be selected at large. The two members selected at large shall include one representative of financial institutions and one licensed real estate broker or salesperson. The Governor shall appoint the members of the board. Commencing January 1, 1992, the members selected from congressional districts shall be appointed so that the membership of the board includes at least two certified real estate appraisers.".

9. Strike beginning with "Consider" on page

10, line 16, through "(6)" on page 12, line 1.

10. On page 12, line 3, strike "(7)" and insert "(4)"; in line 10 strike "(8)" and insert "(5)"; in line 18 strike "(9)" and insert "(6)"; and in line 21 strike "(10)" and insert "(7)".

11. On page 13, line 1, strike "(11)" and insert "(8)"; in line 6 strike "(12)" and insert "(9)"; strike lines 12 through 22; and in line 23 strike "(14)" and insert "(10)".

12. On page 13, line 5; and page 35, line 4, strike "40" and insert "38".

13. On page 13, line 11; and page 15, line 23, strike "39" and insert "37".

14. On page 14, line 2, strike "(15)" and insert "(11) Establish minimum standards for appraisals; (12)"; and in line 4 strike "(16)" and insert "(13)".

15. On page 15, line 14, strike "43" and insert "41".

16. On page 16, line 5, strike "three" and insert "two"; in line 9 after the semicolon insert "and"; strike beginning with "Residential" in line 10 through "certified" in line 14 and insert "Certified"; and in line 16 strike "general".

17. On page 18, strike beginning with the comma in line 5 through the comma in line 8.

18. On page 19, line 18, strike "31" and insert "30".

19. On page 22, line 20, strike "general".

20. On page 23, strike beginning with "sections" in line 7 through line 10 and insert "section 30 of this act, in".

21. On page 28, line 12; and page 29, line 12, strike "38" and insert "36".

22. Strike beginning with "After" on page 30, line 19, through the period on page 31, line 22.

23. On page 34, line 2, strike "47" and insert "45".

24. On page 40, line 23, strike beginning with "or" through "act".

25. On page 58, line 16, strike "59 and 63" and insert "57 and 61".

26. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 1090 in the Journal. No objections. So ordered.

AM3000

1. On page 27, line 17, strike ", except that no" and insert "if the applicant received his or her training in a state other than Nebraska. No".

ADJOURNMENT

At 4:53 p.m., on a motion by Mr. Baack, the Legislature adjourned until 1:30 p.m., Wednesday, March 14, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 14, 1990

LEGISLATIVE JOURNAL

FORTY-FIFTH DAY - MARCH 14, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 14, 1990

Pursuant to adjournment, the Legislature met at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford. Wesely, and Mrs. Pirsch who were excused; and Messrs. Abboud. R. Johnson, Schmit, Mrs. Labedz, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 315 in the Journal. No objections. So ordered.

AM2996

(Amendments to AM7179)

1. Strike sections 1 to 3 and insert the following new section:

“Sec. 2. That section 48-627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-627. An unemployed individual shall be eligible to receive benefits with respect to any week, only if the Commissioner of Labor finds:

(a) He or she has registered for work at, and thereafter continued to report at, an employment office in accordance with such rules and regulations as the commissioner may prescribe, except that the commissioner may, by rule and regulation, waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations, with respect to which he or she finds that compliance with such requirements, would be oppressive, or would be inconsistent with the purposes of the Employment Security Law, except that no such rule or regulation shall conflict with section 48-623 or subdivision (b) of section 48-628;

(b) He or she has made a claim for benefits, in accordance with section 48-629;

(c) He or she is able to work and is available for work. No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he or she is on vacation without pay during such week, if such vacation is not the result of his or her own action as distinguished from any collective action by a collective-bargaining agent or other action beyond his or her individual control, and regardless of whether he or she has not been notified of the vacation at the time of his or her hiring. Receipt of a non-service-connected total disability pension by a veteran at the age of sixty-five or more shall not of itself bar the veteran from benefits as not able to work. An otherwise eligible individual while engaged in a training course or attending a drug treatment program pursuant to subdivision (b) of section 48-628 approved for him or her by the commissioner shall be considered available for work for the purposes of this section;

(d) He or she has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purpose of this subdivision (1) unless it occurs within the benefit year, which includes the week with respect to which he or she claims payment of benefits, (2) if benefits have been paid with respect thereto, or (3) unless the individual was eligible for benefits with respect thereto, as provided in sections 48-627 and 48-628, except for the requirements of this subdivision and of subdivision (f) of section 48-628; and

(e) For any benefit year he or she has, within his or her base period, been paid a total sum of wages for employment by employers equal to not less than one thousand two hundred dollars, of which sum at least four hundred dollars has been paid in each of two quarters in his or her base period, and subsequent to filing the claim which establishes the previous benefit year, the individual has insured work in at least four weeks. For ~~the~~ purposes of this subdivision, (1) wages shall be counted as wages for insured work for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer, by whom such wages were paid, has satisfied the conditions of section 48-603 or subsection (c) of section 48-661, with respect to becoming an employer, and (2) with respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work for benefit purposes with respect to any benefit year shall include wages paid for services as defined by ~~section 48-604.~~ subdivision (4)(a), (b), (c), or (d)~~,~~ of section 48-604 to the extent that such services were not services in employment under ~~section 48-604,~~ subdivision (4)(a)~~,~~ of such section or section 48-661 immediately prior to September 2, 1977, even though the employer by whom such wages were paid had not satisfied the conditions of ~~section 48-603,~~ subdivision (8), (9), (10), or (11)~~,~~ of section 48-603 with respect to becoming an employer at the time such wages were paid except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.".

2. On page 13, line 24, after the period insert

"If the individual's discharge is for misconduct as defined in subdivision (1) or (2) of this subdivision, he or she shall only be subject to a one week disqualification period if he or she enrolls in a drug treatment program approved by the commissioner within two weeks immediately following the week of the discharge for such misconduct, has completed such a drug program after discharge, or is making satisfactory progress toward the completion of such program, except that any such individual who fails to satisfactorily complete the drug program shall be disqualified for the remainder of his or her eligibility. Such individual shall as a condition of eligibility execute releases sufficient to allow the commissioner to accurately monitor his or her progress in such program.".

3. On page 14, line 4, after "48-1903" insert "to detect the presence of a controlled substance specified in section 28-405".

4. On page 16, line 1, after "commissioner" insert "or is attending an approved drug treatment program pursuant to subdivision (b) of this section".

5. On page 23, lines 12 and 13; and page 24, lines 5 and 6, strike "9 and 15" and insert "7 and 13".

6. On page 32, line 13, strike "9" and insert "7".

7. On page 34, line 15, strike "9" and insert "7"; in line 16 strike "4 and 17" and insert "1, 2, 3, and 15"; in line 20 strike "section 48-624" and insert "sections 48-624 and 48-627"; in line 21 strike "is" and insert "and section 48-628, Revised Statutes Supplement, 1989, are"; in line 22 strike "48-601,"; and in line 24 strike "and sections".

8. On page 35, strike line 1; in line 5 strike "48-601," and after "48-624" insert ", 48-627"; in line 7 strike "sections 48-621 and" and insert "section"; strike beginning with "to" in line 8 through the semicolon in line 10; and in line 12 after the semicolon insert "to change provisions as to the disqualification period for certain individuals as prescribed:".

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of February, 1990, from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1988.

MESSAGES FROM THE GOVERNOR

March 1, 1990

Mr. President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission for the Hearing Impaired, requiring legislative confirmation.

Appointee: Marion Reyburn, 1405 N. 102 Avenue, Omaha, NE 68114, (402) 393-8310.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

March 1, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission for the Hearing Impaired, requiring legislative confirmation.

Appointee: Jerry Siders, 6231 Read Street, Omaha, NE 68152, (402) 571-7009.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

March 1, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission for the Hearing Impaired, requiring legislative confirmation.

Appointee: Jack Hart, 440 Lynncrest Drive, Lincoln, NE 68510, (402) 488-6504.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

MOTION - Reconsider Action on LB 1031

Mr. Beyer renewed his pending motion, found in the Journal on page 1344, to reconsider the vote on the Coordsen amendment to LB 1031, found on page 1241 of the Journal.

Mr. Coordsen moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Coordsen requested a roll call vote on the Beyer motion to reconsider.

Voting in the affirmative, 27:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Weihing

Voting in the negative, 14:

Chambers
Chizek
Goodrich
Hall
Hannibal
Hartnett
Johnson, L.
Landis
Langford
Moore
Morrissey
Schimek
Warner
Withem

Present and not voting, 3:

Lindsay
Lynch
McFarland

Excused and not voting, 5:

Abboud
Ashford
Pirsch
Scofield
Wesely

The Beyer motion to reconsider prevailed with 27 ayes, 14 nays, 3 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1031. The Coordsen amendment, AM2885, found in the Journal on page 1241 and considered on page 1308, to the Standing Committee amendment, was reconsidered.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Baack
Barrett
Beck
Bernard-Stevens
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Langford
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Weihing

Voting in the negative, 13:

Chambers
Hall
Hannibal
Hartnett
Johnson, L.
Landis
Lynch
McFarland
Moore
Morrissey
Schimek
Warner
Withem

Present and not voting, 4:

Beyer
Chizek
Goodrich
Lindsay

Excused and not voting, 5:

Abboud	Ashford	Pirsch	Scofield	Wesely

The Coordsen amendment was adopted with 27 ayes, 13 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, AM2994, found in the Journal on page 1325, to the Standing Committee amendment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The Chambers amendment was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 285. Introduced by Langford, 36th District; Kristensen, 37th District.

WHEREAS, the Nebraska Safety Center serves Nebraska by offering programs in five areas of safety: Industrial; fire; home; recreational; and traffic; and

WHEREAS, a facility was constructed on the Kearney State College campus in 1981 to provide space for the services offered by the Nebraska Safety Center to all organizations in the state seeking to improve safety programs; and

WHEREAS, when built, this facility was given the common name of Safety Center Driving Range; and

WHEREAS, such an important facility should be named after persons who were instrumental in the creation and support of the development of this substantial service, research, and academic entity that addresses many of the safety needs of Nebraskans; and

WHEREAS, Senator Ronald Cope and Mrs. Carol Cope have promoted the Nebraska Safety Center whenever the opportunity arises and have supported its programs by personal involvement in its activities since its inception; and

WHEREAS, on February 2, 1990, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the facility after Senator and Mrs. Cope.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Safety Center Driving Range facility at Kearney State College be named the Ron and Carol Cope Nebraska Center for Safety Education and Research in appreciation for their many years of service to the institution and for their generous and long-standing support of this program.
2. That a copy of this resolution be presented to Senator and Mrs. Cope upon its passage.

Laid over.

LEGISLATIVE RESOLUTION 286. Introduced by Haberman, 44th District.

PURPOSE: It is the intent of the Legislature to provide social services to all districts in the State of Nebraska. In order to accomplish this goal, it is necessary to study the programs of the Department of Social Services and the delivery of such programs in the Southwestern District as that district is defined by the Department of Social Services.

NOW. THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 287. Introduced by Haberman, 44th District.

PURPOSE: The State of Nebraska currently has retirement systems for judges, state employees, school employees, the Nebraska State

Patrol, and county employees. The Legislature also has established various retirement provisions for groups of employees of the state's subdivisions of government.

The purpose of this resolution is to study the various retirement systems administered by the state as well as the retirement systems authorized or required by subdivisions of government. The study shall include, but not be limited to, the following issues: Defined benefit plans versus defined contribution plans; funding; disability and survivor benefits; unfunded liability; costs of improved benefits; cost-of-living adjustments; prefunding benefits; lump-sum withdrawals of employee's account; early retirement; social security income; and the advantages and disadvantages of changing the retirement laws of the state.

The input of interested persons and groups shall be solicited to carry out the purposes of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 288. Introduced by Ashford, 6th District.

WHEREAS, the Omaha Westside High School basketball team had a successful season and participated in the Class A Boys' State Basketball Tournament; and

WHEREAS, the Westside basketball team displayed athletic ability, team work, and sportsmanship in qualifying to play in the tournament.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Omaha Westside High School boys' basketball team on its successful season.

2. That a copy of this resolution be sent to the boys' basketball coaches and team.

Laid over.

LEGISLATIVE RESOLUTION 289. Introduced by Elmer, 38th District; Baack, 47th District; Barrett, 39th District; Beck, 8th District; Bernard-Stevens, 42nd District; Beyer, 3rd District; Byars, 30th District; Chizek, 31st District; Conway, 17th District; Coordsen, 32nd District; Crosby, 29th District; Dierks, 40th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Langford, 36th District; Lynch, 13th District; Morrissey, 1st District; Nelson, 35th District; Peterson, 21st District; Rogers, 41st District; Schellpeper, 18th District; Schmit, 23rd District; Smith, 33rd District; Warner, 25th District; Wehrbein, 2nd District; Weihing, 48th District.

WHEREAS, the Federal Energy Regulatory Commission (FERC) on February 14, 1990, ordered the Nebraska Public Power District (NPPD) in cooperation with the Central Nebraska Public Power and Irrigation District (Central) to maintain instream flows by releasing stored water to the Platte River for the benefit of four endangered and threatened species; and

WHEREAS, NPPD is required in cooperation with Central to continue the prescribed releases by the FERC as an interim measure prior to action on the districts' applications for new long-term licenses; and

WHEREAS, the prescribed flows will impact recreational and fish and wildlife usage of Lake McConaughy as well as power production and irrigation needs in the Central Platte area of Nebraska; and

WHEREAS, clarification of the order could assist the districts in minimizing potential impacts; and

WHEREAS, water losses in the North Platte and Platte rivers which will inhibit delivery of water for instream use to the Grand Island gage are unknown; and

WHEREAS, the FERC order will create conflicts with existing contracts and water rights of long standing along the Platte River.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the districts are requested to file with the FERC a petition for rehearing or in the alternative a request for clarification of the February 14, 1990, order.
2. That the FERC is requested to stay execution of the order and to expedite its consideration of any petition for rehearing or

clarification as well as consideration of the districts' application for new long-term licenses for their projects.

3. That the Nebraska Department of Water Resources and other appropriate state and local agencies including the Game and Parks Commission and natural resources districts are directed to provide any information available which assists FERC in determining the potential impacts on recreation, fish and wildlife, irrigation, and power production resulting from the February 14, 1990, order as well as assistance in determining potential losses in river flows which may inhibit delivery of water for instream use to Grand Island.

4. That the Clerk of the Legislature send a copy of this resolution to each entity specifically named.

Laid over.

LEGISLATIVE RESOLUTION 290. Introduced by Dierks, 40th District; Baack, 47th District.

WHEREAS, the State Treasurer is an executive officer defined and provided for in the Constitution of Nebraska; and

WHEREAS, the State Treasurer traditionally has held broad responsibilities regarding the management of and accounting for state funds, property, and resources; and

WHEREAS, the authority of the State Treasurer has gradually undergone extensive change in relation to other state administrative agencies which also deal with state funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a study be conducted by the Legislature in conjunction with the State Treasurer's office regarding the past, present, and future management functions and responsibilities of the State Treasurer.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 291. Introduced by Dierks, 40th District; Lamb, 43rd District; Lindsay, 9th District; Ashford, 6th District; Kristensen, 37th District; Chizek, 31st District.

PURPOSE: The purpose of this resolution is to examine the problem of bad checks and the statutes relating to bad checks. The writing of bad checks is a persistent problem in the state, and bad checks are a strain on the retail community and on the state's economy. A focused, comprehensive examination of the issue will help the Legislature in modifying the statutes relating to bad checks.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE RESOLUTION 239CA. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7187.)

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2749.)

GENERAL FILE

LEGISLATIVE BILL 1031. Mr. Kristensen offered the following amendment to the Standing Committee amendment:
FA404

1. Insert the following new amendment:

"51. On page 80, after line 12, insert the following new section:

There is hereby appropriated $395,000 from the State Building Fund for FY 1989-90 to Kearney State College, for Program 919, Museum of Nebraska Art. In consideration of a $1,000,000 private foundation challenge grant expiring June 30, 1990, and private and corporate donations to date totaling $1,775,646 toward the $3,773,758 cost of renovating the Museum of Nebraska Art and constructing an addition to the existing structure, there is included in the appropriation to this program $395,000 from the State Building Fund as partial funding of the remaining $988,112 required to effectuate the private foundation challenge grant and initiate the museum renovation and addition project. The appropriation to this program shall be used only to effectuate the $1,000,000 private foundation challenge grant and to provide partial funding for the Museum of Nebraska Art renovation and addition project.".

2. Renumber the remaining amendments accordingly.

MR. HANNIBAL PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Kristensen moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Kristensen requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Baack
Beck
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Elmer
Goodrich
Haberman
Hall
Johnson, R.
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
Nelson
Peterson
Smith
Weihing
Withem

Voting in the negative, 12:

Abboud
Byars
Hannibal
Hefner
Johnson, L.
Korshoj
Lamb
McFarland
Moore
Morrissey
Warner
Wehrbein

Present and not voting, 8:

Beyer
Crosby
Dierks
Hartnett
Robak
Rogers
Schellpeper
Schimek

Excused and not voting, 6:

Ashford
Barrett
Pirsch
Schmit
Scofield
Wesely

The Kristensen amendment lost with 23 ayes, 12 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Morrissey offered the following amendment to the Standing Committee amendment:
AM2993
(Amendments to Standing Committee amendments, AM2659)

1. Insert the following new amendment:

"31. a. On page 55, line 14, after '(1)' insert

'Program No. 102 - Revenue Operations

	FY1989-90	FY1990-91
GENERAL FUND	-0-	80,000
PROGRAM TOTAL	-0-	80,000

It is the intent of the Legislature that the Department of Revenue contract with surrounding states to audit farm machinery and implement dealers that may have significant sales to Nebraska residents. On June 30, 1991, the department shall report to the Legislature the number of audits conducted and the total dollar amount of farm machinery and implement retail sales to Nebraska residents by each state under contract. The report shall also include the amount of unpaid sales and use tax and the amount of such tax recovered by the department as a result of such audits.

(2)'; and in line 25 strike '(2)' and insert '(3)'; and

b. On page 56, lines 10 and 11, strike '1,900,000' and insert '1,980,000'.".

2. Renumber the remaining amendments accordingly.

Messrs. McFarland and Goodrich asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Morrissey moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Hall requested a roll call vote on the Morrissey amendment.

Voting in the affirmative, 28:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Crosby
Dierks
Elmer
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
Lynch
Morrissey
Rogers
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 7:

Haberman
Hall
Hartnett
Johnson, R.
Landis
Moore
Nelson

Present and not voting, 6:

Chizek
Coordsen
Hannibal
Peterson
Robak
Schellpeper

Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Ashford
Goodrich
Labedz
McFarland
Pirsch
Schmit
Wesely

The Morrissey amendment was adopted with 28 ayes, 7 nays, 6 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. R. Johnson and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1064 in the Journal. No objections. So ordered.

AM3014

1. Insert the following new sections:

"Sec. 30. That section 71-6023.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6023.01. A nursing home seeking or renewing a license shall be required to retain a resident whose economic status changes so that such resident receives medicaid or becomes eligible for medicaid if such resident has resided in the nursing home for a period of at least one year after July 17, 1986, unless ten percent of such nursing home's residents are receiving medicaid or are eligible for medicaid. Such requirement shall constitute a condition of licensure. The department shall notify the nursing home of such requirement ninety days prior to the renewal of a license or upon application for a license. For purposes of this section, nursing homes shall include long-term care hospitals, including long-term care units of a hospital. This section shall not apply to the Nebraska veterans' homes established pursuant to Chapter 80, article 3.

Sec. 32. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the Wesely amendment, AM2487, on page 55, line 17, strike "30" and insert "31"; and in line 18 after the second comma insert "and 71-6023.01,".

3. In the E & R amendment, AM7145, on page 3, strike beginning with "18" in line 3 through "in" in line 4.

Mr. Schmit asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM2972

1. On page 65, after line 19 insert:

"GENERAL FUND -0- 24,100"

and in line 21 strike "205,000" and insert "229,100".

2. On page 66, line 1, strike "$140,000" and insert "$158,000"; and after line 1 insert:

"There is included in the appropriation to this program for FY1990-91 $24,100 General Funds to support an academic counseling position and related costs to serve the academic and other counseling needs of students attending the Nebraska Indian Community College particularly as those needs relate to the needs of Nebraska Indian Community College students transferring to baccalaureate programs of study at Wayne State College or other postsecondary institutions.".

Mrs. Crosby asked unanimous consent to print the following amendment to LB 1153 in the Journal. No objections. So ordered.

AM2591

(Amendments to AM2572)

1. Insert the following new section:

"Sec. 57. That section 76-711, Revised Statutes Supplement, 1988, be amended to read as follows:

76-711. The condemner shall not acquire any interest in or right to possession of the property condemned until he or she has deposited with the court for the use of the condemnee the amount of the condemnation award in effect at the time the deposit is made. The condemner shall have sixty days from the date of the award of the appraisers to deposit with the court the amount of the award or the proceeding will be considered as abandoned. When the amount of the award is deposited with the court by the condemner, the condemner ~~will~~ shall be deemed to have accepted the award unless he or she gives notice of appeal from the award of the appraisers pursuant to section 76-715. If the proceeding is abandoned, proceedings may not again be instituted by the condemner to condemn the property within two years from the date of abandonment. If an appeal is taken from the award of the appraisers by the condemnee and the condemnee obtains a greater amount than that allowed by the appraisers, the condemnee shall be entitled to interest from the date of the deposit at the rate provided in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, compounded annually, on the amount finally allowed, less interest at the same rate on the amount withdrawn or on the amount which the condemner offers to stipulate for withdrawal~~,~~ as provided by section 76-719.01. If an appeal is taken from the award of the appraisers by the condemner, the condemnee shall be entitled to interest from the date of deposit at the rate provided in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, compounded annually, on the amount finally allowed, less interest at the same rate on the amount withdrawn or on the amount which the condemner offers to stipulate for withdrawal as agreed to by the condemnee~~,~~ as provided by section 76-719.01. ~~, which provision shall apply to all appeals by the condemner or condemnee pending on June 6, 1961.~~ Upon deposit of the condemnation award with the court, the condemner shall be entitled to a writ of assistance to place him or her in possession of the property condemned and the condemnee shall be liable for diminution in the value of the property caused by the condemnee's purposeful removal of real or personal property not previously agreed to in writing by the condemner and condemnee from the condemned property.".

2. On page 58, line 16, strike "59 and 63" and insert "56, 58 to 60, and 64".

3. On page 59, line 12, strike "is" and insert "and section 76-711, Revised Statutes Supplement, 1988, are".

4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 292. Introduced by Rogers, 41st District; Dierks, 40th District; Wehrbein, 2nd District; Schellpeper, 18th District.

PROPOSE: The purpose of this resolution is to authorize an interim study of alternative methods of funding legislatively-mandated programs within the Nebraska Department of Agriculture. The study shall examine current program funding and its sources and examine possible alternative funding methods including, but not limited to: earmarking sales tax revenues from animal pharmaceuticals; a state check-off program for swine; and any other potential methods of funding from both public and private sources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 293. Introduced by Schmit, 23rd District.

WHEREAS, the Wahoo High School boys' basketball team finished another outstanding season with a perfect 26-0 record; and

WHEREAS, the Wahoo boys' basketball team has the longest current winning streak with sixty-four victories; and

WHEREAS, on March 10, 1990, the Wahoo Warriors won their third consecutive Class B Boys' State Basketball Championship; and

WHEREAS, the collective athletic abilities, accomplishments, and dedication of the coaches and players should be commended and are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to the Wahoo High School boys' basketball team and its coaching staff.
2. That a copy of this resolution be sent to Coach Mick Anderson and the team in recognition of their accomplishments.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1222A. Introduced by Hartnett, 45th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1222, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM3002

(Amendments to E & R amendments, AM7187)

1. On page 2, lines 5 and 9, strike "six" and insert "nine"; strike beginning with "and" in line 6 through "elected" in line 8 and insert ". One" in lines 11 and 22 strike "six"; in line 12 strike "three" and insert "four"; in lines 13 and 15 before "one" insert "at least"; in line 14 strike "three" and insert "five"; in line 22 strike "(1)"; in lines 23 and 24 strike the first "two" and insert "three"; and in line 24 strike the second "and" and insert an underscored period.

2. On page 3, strike beginning with line 1 through the period in line 5.

SPEAKER BARRETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1031. The Standing Committee amendment, AM2659, printed separately from the Journal and referred to on page 1131, as amended, was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Messrs. Korshoj, Withem, Coordsen, and Mrs. Smith withdrew their pending amendment, AM2663, found in the Journal on page 1058.

Mr. Chambers withdrew his pending amendment, AM2910, found in the Journal on page 1285.

Messrs. Bernard-Stevens, Baack, Conway, Withem, and Ms. Schimek renewed their pending amendment, AM2815, found in the Journal on page 1249.

Messrs. Korshoj, Byars, Hefner, Lamb, Haberman, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens et al. withdrew their pending amendment.

Pending.

MOTION - Reconsider Action on LB 1031

Mrs. Crosby moved to reconsider the vote on the Kristensen amendment to the committee amendment, relating to the Museum of Nebraska Arts to LB 1031.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 799 in the Journal. No objections. So ordered.

AM3003

(Amendments to E & R amendments, AM7174)

1. On page 11, lines 7, 20, and 24; page 12, line 16; page 13, lines 1, 5, and 22; page 14, line 6; and page 16, line 22, strike "thirty" and insert "forty".

2. On page 14, line 14, strike "thirty-day" and insert "forty-day".

3. On page 17, strike beginning with "any" in line 1 through line 12 and insert "any person arrested for refusal to submit to a chemical test of his or her blood, breath, or urine as required by section 39-669.08 shall have his or her operator's license or driving permit revoked by the director for a period of one year the first time such operator's license or driving permit is revoked, and any person who submits to a chemical test pursuant to such section which disloses the presence of a concentration of alcohol specified in such section shall have his or her operator's license or driving permit revoked by the director for a period of six months for the first time such operator's license or driving permit is revoked. Thereafter, either such person shall have his or her operator's license or

driving permit revoked for a period of three years the second time such license or permit is revoked, and five years for the third and any subsequent time such license or permit is revoked."; in line 13 strike "Any" and insert "Except as provided in subsection (3) of this section, any"; and after line 22 insert the following new subsection:

"(3) Any person arrested pursuant to section 39-669.07 who has his or her operator's license or driving permit revoked pursuant to section 39-669.15 and who subsequently is found not guilty by the court of violating section 39-669.07 shall have his or her operator's license or driving permit restored without payment of the reinstatement fee.".

Mr. McFarland asked unanimous consent to print the following amendments to LR 239CA in the Journal. No objections. So ordered.

(1)

AM3011

(Amendments to E & R amendment, AM7187)

1. On page 2, line 10, strike "The" and insert "With the approval of a majority of the Legislature, the".

(2)

AM3010

(Amendments to E & R amendment, AM7187)

1. Strike beginning with "The" on page 2, line 5 through the period on page 3, line 5, and insert:

"The board of regents shall consist of nine members, three elected from each congressional district on a statewide ballot. With the approval of a majority of the Legislature, the Governor shall appoint the members of the initial board of regents, with six of such appointed members being members of the Board of Regents of the University of Nebraska, two from each congressional district, as such board exists on June 30, 1991, and one additional appointed member from each congressional district to serve from July 1, 1991, until such time as members can be elected and take office as provided by law.

The terms of office of the members of the Board of Regents for Nebraska Higher Education shall be six years or until a successor is qualified and takes office, except that of the members initially elected, one member from each congressional district shall serve for a term of two years, one member from each congressional district shall serve for a term of four years, and one member from each congressional district shall serve for a term of six years.”.

Mr. Withem asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3001

1. In the Warner amendment, AM2805:

a. Renumber sections 14 to 16 as 22 to 24 respectively;

b. On page 1, strike beginning with “Strike” in line 1 through “insert” in line 2 and insert “Insert”; and in line 4 strike “14 to 16” and insert “22 to 24”;

c. On page 2, line 5, strike “nonresident” through “funds”; in line 6 strike “or”; in line 9 strike “(a)”; in line 12 strike “(i)” and insert “(a)”; in line 16 strike “(ii)” and insert “(b)”; in line 18 strike “(iii)” and insert “(c)”; in line 19 strike “under the Special”; in line 20 strike “Education Act,”; in line 21 after the comma insert “and”; strike beginning with the last comma in line 22 through “Fund” in line 23; and in line 24 strike “(iv)” and insert “(d)”;

d. On page 3, strike beginning with the semicolon in line 2 through “act” in line 4; and in line 5 after the last period insert “(1) Sections 22 to 24 of this act shall apply to all political subdivisions except school districts.

(2)” and strike “16” and insert “24”;

e. On page 4, line 4; and page 5, lines 5 and 12, strike “15” and insert “23”;

f. On page 5, line 14, strike “19” and insert “27”; and

g. Strike amendments 3 through 10 and renumber the remaining amendment accordingly.

VISITORS

Visitors to the Chamber were Tom Kennedy from Newman Grove and Dick Maresh from Milligan; Mr. and Mrs. Earl Korshoj and daughter, Merri, from Fremont; and members from the Omaha Women's Chamber of Commerce.

ADJOURNMENT

At 5:18 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 15, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 15, 1990

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor James Bauer, University Lutheran Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Abboud, Ashford, Chambers, Conway, Haberman, Hannibal, Lindsay, Lynch, Morrissey, Schmit, Withem, Mmes. Beck, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 294. Introduced by Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to study statutes relating to the regulation of auctioneers in Nebraska to determine if changes in our procedures are necessary and, if so, whether such changes should include licensure of auctioneers. The study should also investigate the procedures used in other states for the regulation of auctioneers and determine the best methods to be used for reciprocity for nonresident auctioneers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295. Introduced by Coordsen, 32nd District.

PURPOSE: The purpose of this resolution is to examine the Nebraska Workers' Compensation Act, specifically subsection (3) of section 48-115.

Presently a corporate officer who owns twenty-five percent or more of the common stock of the corporation may elect whether to be covered by workers' compensation insurance. If such person has waived coverage, the waiver may not be terminated prior to a year from the effective date of the waiver. The reasons for this provision shall be examined and a determination made as to whether a change should be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 296. Introduced by Coordsen, 32nd District.

PURPOSE: The purpose of this resolution is to study section 23-1701.01 requiring each sheriff to become certified by the Nebraska

Commission on Law Enforcement and Criminal Justice within eight months of taking office. This section shall be examined and a determination reached as to whether changes are warranted or needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 281. Read. Considered.

LR 281 was adopted with 21 ayes, 0 nays, and 28 not voting.

LEGISLATIVE RESOLUTION 283. Read. Considered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LR 283. No objections. So ordered.

LR 283 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 284. Read. Considered.

Mr. Hartnett asked unanimous consent to have his name added as co-introducer to LR 284. No objections. So ordered.

LR 284 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 285. Read. Considered.

LR 285 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 289. Read. Considered.

Mrs. Robak and Mr. Kristensen asked unanimous consent to have their names added as co-introducers to LR 289. No objections. So ordered.

LR 289 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 279. Read. Considered.

LR 279 was adopted with 29 ayes, 0 nays, and 20 not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Health and Human Services
Jack Hart - Commission for Hearing Impaired
Marion Reyburn - Commission for Hearing Impaired
Jerry Siders - Commission for Hearing Impaired

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 1031. Mr. Baack renewed the pending Baack et al. amendment, AM2875, found in the Journal on page 1281.

The Baack et al. amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

MOTION - Reconsider Action on LB 1031

Mrs. Crosby renewed her pending motion, found in the Journal on page 1371, to reconsider the vote on the Kristensen amendment to the committee amendment, relating to the Museum of Nebraska Arts to LB 1031.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The Crosby motion to reconsider prevailed with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Dierks, Mmes. Beck, and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1031. The Kristensen amendment, FA404, found in the Journal on page 1362, was reconsidered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen amendment was adopted with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper offered the following amendment:
AM2977

1. Insert the following new section:

"Sec. 43. There is hereby appropriated $5,000 from the General Funds for FY1989-90, to the State Board of Agriculture for Program 540, Antique Farm Machinery and Equipment Commission.".

2. Renumber remaining sections accordingly.

Mr. Moore offered the following amendment to the pending Schellpeper amendment:
FA405
Strike $5,000 insert $390,000

Mr. Moore withdrew his pending amendment.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Moore requested a roll call vote on the Schellpeper amendment.

Voting in the affirmative, 31:

Baack
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Coordsen
Crosby
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Lynch
McFarland
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Weihing
Wesely
Withem

Voting in the negative, 3:

Hannibal
Moore
Morrissey

Present and not voting, 9:

Ashford
Barrett
Conway
Johnson, L.
Langford
Schimek
Scofield
Warner
Wehrbein

Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Abboud
Landis
Lindsay
Pirsch
Smith

The Schellpeper amendment was adopted with 31 ayes, 3 nays, 9 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Wehrbein, Lynch, McFarland, Ashford, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen withdrew his pending amendments, AM2923, found in the Journal on page 1294, and AM2963, found in the Journal on page 1319.

Mr. Schmit renewed his pending amendment, AM2978, found in the Journal on page 1312.

The Schmit amendment lost with 13 ayes, 4 nays, 22 present and not voting, and 10 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit renewed his pending amendment, AM2990, found in the Journal on page 1333.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment lost with 14 ayes, 4 nays, 18 present and not voting, and 13 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM3023

(Amendments to E & R amendments, AM7187)

1. On page 7, strike beginning with "Notwithstanding" in line 19 through the first "a" in line 20 and insert "A"; and strike beginning with the period in line 22 through "unless" in line 23 and insert "if".

2. On page 8, line 1, after "1990" insert "establishing boards of trustees for public postsecondary educational institutions which grant baccalaureate or higher degrees".

3. On page 12, strike beginning with "for" in line 4 through "institution" in line 5; and in line 6 after "board" insert "if the amendment proposed on the ballot at this election establishing boards of trustees for public postsecondary educational institutions which grant baccalaureate or higher degrees is also adopted".

Mr. Lynch asked unanimous consent to print the following amendment to LB 1221 in the Journal. No objections. So ordered.

AM3018

1. Insert the following new sections:

"Sec. 3. For purposes of sections 3 to 8 of this act:

(1) Contracting owner shall mean a person who owns real estate and who, personally or through an agent, enters into an agreement, express or implied, for the improvement of real estate;

(2) Contractor shall mean any person, firm, or corporation that makes a real estate improvement contract, express or implied, with a contracting owner;

(3) Subcontractor shall mean any person, firm, or corporation that enters into a contract, express or implied, for performance of a portion of a real estate improvement contract from a contractor or another subcontractor; and

(4) Supplier shall mean any person, firm, or corporation that enters into a contract, express or implied, to provide materials, goods, or labor to a contractor or subcontractor for performance of a real estate improvement contract.

Sec. 4. The funds received by a contracting owner for or in connection with an improvement of real property in this state, received by a contractor under or in connection with a contract for an improvement of real property or a contract for a public improvement in this state, or received by a subcontractor under or in connection with a subcontract made with the contractor for such improvement of real property or public improvement made with any subcontractor under any such contract and any right of action for any such funds due or earned shall constitute assets of a trust for purposes of sections 5 to 7 of this act.

Sec. 5. A trust as described in section 4 of this act shall continue until every claim against such trust arising at any time during the improvement has been paid or discharged or until all such assets have been applied for the purposes of the trust.

Sec. 6. Any contracting owner, contractor, or subcontractor or any officer, director, or employee of such contractor or subcontractor who retains or uses the funds of the trust or any part thereof for any purpose other than to pay persons performing labor upon or furnishing material for such construction, repair, removal, or improvement (1) shall be guilty of theft if any amount for which the contractor or subcontractor may be liable or become liable under the contract for such labor or materials remains unpaid and (2) may be prosecuted upon complaint of any person who has not been fully paid any amount due and upon conviction shall be subject to the penalties stated in section 28-518.

Sec. 7. If more than thirty days after submitting a bill or request for payment a contractor, a subcontractor, a supplier, or any other person has not received payment from such trust, the contractor, subcontractor, supplier, or other person shall have access to the corpus of the trust and payment of claims against the trust.

Sec. 8. If the contracting owner, contractor, or subcontractor is a corporation, any assets of a trust described in section 4 of this act which have been used to provide salary, dividend, loan repayment, capital distribution, or other payment to any shareholder of the corporation not responsible for such use shall be a civil liability of the shareholder and may be recovered and restored to the trust by action brought by any interested party. Until all claims are paid in full, have matured by notice and filing, or have expired, such assets shall not be subject to garnishment, execution, levy, or attachment.".

2. Renumber the remaining section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 297. Introduced by Haberman, 44th District.

WHEREAS, for the past two years the Perkins County High School Plainsmen won the Class C-2 State Football Championship and the Class C-2 Boys State Basketball Championship; and

WHEREAS, the record of the Plainsmen displays diligent effort and team work by members of the teams and the coaches; and

WHEREAS, the exemplary athletic skill, competitive spirit, sportsmanship, and dedication of the coaches and players should be commended.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Perkins County High School Plainsmen on their achievements.
2. That a copy of this resolution be sent to the football and boys basketball coaches and teams of the Perkins County High School, Grant, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 298. Introduced by Barrett, 39th District; Chambers, 11th District; Schmit, 23rd District; Wesely, 26th District; Withem, 14th District; Lynch, 13th District.

PURPOSE: The purpose of this resolution is to examine the confirmation process used by the Legislature in reviewing gubernatorial appointments. In light of Attorney General Opinions No. 90010 and No. 90014 issued during the 1990 legislative session interpreting Article IV, section 10, and Article IV, section 12, the Legislature's traditional ways of dealing with the confirmation process appear to have been significantly altered. Consequently, it is prudent for the Legislature to review its operating rules for approving gubernatorial appointments. The Legislature should examine its current process as well as its rules to determine whether changes are needed.

NOW. THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee of the Legislature shall be designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall receive staff support from the Clerk of the Legislature's office.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Governor Appointments Wednesday, March 28, 1990 1:00 p.m.
Kimberly Ann Apker - Rural Health Manpower Commission
Marion Reyburn - Commission for the Hearing Impaired
Jerry Siders - Commission for the Hearing Impaired
Jack Hart - Commission for the Hearing Impaired

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Lance Paulsen - Environmental Control Council

VOTE: Aye: Senators Schmit, Beck, Elmer, R. Johnson, Smith, and Weihing. Absent: Senators Lamb and Morrissey.

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Gasohol Committee
Howard G. Buffett
Opal Jensen
Richard Lichti
James Kral

VOTE: Aye: Senators Beck, Elmer, R. Johnson, Smith, and Weihing. Nay: Senator Schmit. Absent: Senators Lamb and Morrissey.

(Signed) Loran Schmit, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 989A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 989, Ninety-first Legislature, Second Session, 1990.

VISITORS

Visitors to the Chamber were 65 nurses, nursing students, and president of the Nebraska Nurses Association; ten seventh and eighth grade students and teacher from Cedar Canyon School, Gering; 46 students and teacher from Omaha Central High; 40 seventh grade students and teachers from Sandy Creek; 22 fourth grade students and teacher from Shelby; sixth, seventh, and eighth grade students and teacher from Gothenburg; Sekou Sangare, Ba Denis Kquakou, and Djepa Ernest Bobi from Ivory Coast.

RECESS

At 11:55 a.m., on a motion by Mr. Conway, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Ashford, Baack, Bernard-Stevens, Goodrich, R. Johnson, Kristensen, Lynch, McFarland, Moore, Schmit, Withem, Mmes. Labedz, Nelson, Pirsch, Smith, and Ms. Scofield who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 279, LR 285, LR 284, LR 283, and LR 289.

GENERAL FILE

LEGISLATIVE BILL 1031. Mr. Chambers withdrew his pending amendment, AM3007, found in the Journal on page 1345.

Mr. Haberman offered the following amendment:
AM3024

(Amendments to Standing Committee amendments, AM2659)

1. On page 51, lines 22 and 23, strike "-0-" and insert "50,000".

2. On page 52, after line 4 insert:

"There is included in the appropriation to this program for FY1990-91 $50,000 for an evaluation study of the programs of the Department of Social Services and the delivery of such programs in the Southwestern District, as that district is defined by the department. It is the intent of the Legislature that a special committee of the Legislature shall be selected by the Executive Board of the Legislative Council which shall select an independent individual or firm to conduct the evaluation study and report the results of the study to the Legislature no later than January 15, 1991."; and in lines 18 and 19 strike "8,000" and insert "58,000".

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment to the pending Haberman amendment:
FA406

Strike reference to the "Southwest District"

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LAMB PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

The Wesely amendment lost with 11 ayes, 21 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Haberman amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Schmit renewed his pending amendment, AM2972, found in the Journal on page 1366.

The Schmit amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1125. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 920. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1170. Title read. Considered.

Standing Committee amendment, AM2680, found in the Journal on page 1131 for the Thirty-Eighth Day, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Messrs. Coordsen and Korshoj asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 536. Title read. Considered.

Standing Committee amendment, AM2737, found in the Journal on page 1131 for the Thirty-Eighth Day, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SPEAKER BARRETT PRESIDING

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1220. Title read. Considered.

Messrs. Bernard-Stevens, Baack, Schmit, and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 299. Introduced by Dierks, 40th District; Scofield, 49th District; Haberman, 44th District; Crosby, 29th District; Rogers, 41st District; Wesely, 26th District; Schellpeper, 18th District.

PURPOSE: Group health care plans represent a significant cost to businesses, workers, families, and taxpayers in the state, and premium costs for group health care have risen drastically in recent years. There is increasing discussion regarding state or federal action mandating or further regulating group health care plans, the Legislature is in need of information regarding group health care costs as they compare to other states, as they have been affected by regulation or mandating legislation, and as they have affected the costs of health care services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3030

(Amendments to AM2749)

1. On page 59, line 4, strike "and" and show as stricken; and in line 11 after "itself" insert "; and

(t) New or used farm tractors and implements of husbandry as defined in section 39-602, and any parts or accessories thereto, except trucks as defined in section 60-301".

Mr. Warner asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM3009

1. Insert the following new section:

"Sec. 33. AGENCY NO. 31 -- MILITARY DEPARTMENT

Program No. 192 - Governor's Emergency Aid

	FY1989-90	FY1990-91
GENERAL FUND	500,000	-0-
PROGRAM TOTAL	500,000	-0-

There is included in the appropriation to this program for FY1989-90 $500,000 General Funds for state aid.

Expenditures from this program shall not be restricted to state aid if other expenditures are necessary to fulfill the goals of the Governor's Emergency Aid Program.".

2. Renumber remaining sections accordingly.

Mr. Conway asked unanimous consent to print the following amendment to LB 457 in the Journal. No objections. So ordered.

FA407

1. On page 3, line 16 after the words "acquiring bank." insert the following:

"Following such purchase or merger the acquiring bank may establish and maintain detached auxiliary offices to the same extent that the acquired bank may establish and maintain if the purchase or merger had not occurred as provided in subsection (2)(b) of this section for each bank acquired."

GENERAL FILE

LEGISLATIVE BILL 1126. Title read. Considered.

Standing Committee amendment, AM2849, found in the Journal on page 1178 for the Fortieth Day, was considered.

Messrs. Conway and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Withem, Haberman, Schellpeper, Morrissey, and Lynch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 898. Title read. Considered.

MRS. LABEDZ PRESIDING

Pending.

VISITORS

Visitors to the Chamber were 20 fourth grade students and teacher from Pleasanton; 30 fourth grade students and teacher from St. Mary's, Lincoln; Elma Thelma Thomas and Kay Bursheim from Winnebago; and 47 seventh grade students and teacher from St. Paul.

ADJOURNMENT

At 4:20 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Friday, March 16, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 16, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 16, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Fred Tedder, Central Church of the Nazarene, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Lamb, Lindsay, and R. Johnson who were excused; and Messrs. Abboud, Ashford, Landis, Moore, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1342, line 6, strike FA404 and insert FA408.
The Journal for the Forty-Fourth Day was approved as corrected.
The Journal for the Forty-Sixth Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 15, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather - Lincoln	
Hopkins, Julian	Ameritas Financial Services (Withdrawn 89/12/31)
Harfst, David L. - Washington, D.C.	The Tobacco Institute (Withdrawn 90/03/14)
Kelley, Michael - Omaha	WE and NW, Inc. d/b/a/ Woods Landing (Withdrawn 90/03/01)
Pappas, James - Lincoln	Plumber's Local 16
Pappas, James - Lincoln	Northwest Banks - Nebraska, N.A. (Withdrawn 90/01/01)
Scarpello, Sam M. - Omaha	Nebraska State Electrical Council (Withdrawn 89/12/31)
Skochdopole, R. A. - Omaha	Association of Independent Colleges & Universities of Nebraska, Inc.
Thomalla, Kelly Jo - North Platte	Nebraska Society of Radiologic Technologists (Withdrawn 90/03/01)

REPORTS

Received annual report from the Nebraska Intergovernmental Data Communications Advisory Council.

Received annual report from the Department of Revenue on the Employment and Investment Growth Act and the Employment Expansion and Investment Incentive Act.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 281.

RESOLUTIONS

LEGISLATIVE RESOLUTION 293. Title read. Considered.

LR 293 was adopted with 24 ayes, 0 nays, 10 present and not voting, and 15 excused and not voting.

LEGISLATIVE RESOLUTION 297. Title read. Considered.

LR 297 was adopted with 23 ayes, 2 nays, 9 present and not voting, and 15 excused and not voting.

MOTHERS OF THE YEAR

Mrs. Langford and Ms. Schimek escorted the following women to the rostrum: Wanda Robinson Hofrichter, Mother of the Year; and Patricia H. Hofeditz, Young Mother of the Year.

GENERAL FILE

LEGISLATIVE BILL 898. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 899. Title read. Considered.

Standing Committee amendment, AM2699, found in the Journal on page 1134 for the Thirty-Eighth Day, was considered.

Mr. Warner moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The Standing Committee amendment was adopted with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 300. Introduced by Weihing, 48th District; Hefner, 19th District; Crosby, 29th District; Dierks, 40th District; Robak, 22nd District; Chizek, 31st District; Nelson, 35th District.

PURPOSE: Education of all children of the State of Nebraska is of paramount importance to the Legislature, and all students in the primary and secondary schools must be prepared for entry into our complex society. There is mounting concern within the state of Nebraska regarding the steadily increasing number of students who are absent or truant or have dropped out of our school system, and statistics show a direct correlation of a student's academic performance with the frequency of school attendance. The current dropout rate in the State of Nebraska has reached twelve percent and can no longer be ignored.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to: (a) Identify those students within our state who are at risk of chronic truancy or dropping out of school; (b) examine methods to reduce truancy and dropout rates; and (c) recommend appropriate measures to the Legislature to reduce Nebraska's truancy and dropout rates.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 1107 in the Journal. No objections. So ordered.

AM2927

(Amendments to Standing Committee amendments, AM2499)

1. On page 2, line 13, after the last semicolon insert "human services;".

GENERAL FILE

LEGISLATIVE BILL 1241. Title read. Considered.

The Standing Committee amendment, AM2501, printed separately from the Journal and referred to on page 898 for the Thirty-First Day, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 931. Title read. Considered.

Standing Committee amendment, AM2642, found in the Journal on page 962 for the Thirty-Third Day, was considered.

Mr. Coordsen offered the following amendment to the Standing Committee amendment:
AM2983

(Amendments to AM2642)

1. On page 5, line 12, after "office" insert ", except that such a person may simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body".

The Coordsen amendment was adopted with 15 ayes, 0 nays, 28 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1141. Title read. Considered.

The Standing Committee amendment, AM2555, printed separately from the Journal and referred to on page 834, was considered.

Mr. McFarland withdrew his pending amendments, (1) AM2713, (2) AM2684, (3) AM2704, (4) AM2714, (5) AM2720, (6) AM2718, (7) AM2715, (8) AM2716, (9) AM2717, (10) AM2721, (11) AM2722, and (12) AM2719, found in the Journal on pages 1225 through 1230.

SPEAKER BARRETT PRESIDING

Mrs. Crosby renewed her pending amendment, AM2890, found in the Journal on page 1304, to the Standing Committee amendment.

Ms. Schimek requested a division of the question on the Crosby amendment, AM2890.

The Chair sustained the division of the question.

The first Crosby amendment is as follows:
FA409

(Amendments to Standing Committee amendments, AM2555)

1. On page 1, line 8, after "trustees" insert ", except that in the case of the University of Nebraska-Lincoln and the University of Nebraska Medical Center, institution shall mean both such institutions".

2. On page 4, line 24, after the first comma insert "line 11, after 'degrees' insert ', except that the University of Nebraska-Lincoln and the University of Nebraska Medical Center shall be governed by one board of trustees'; and in".

3. On page 5, line 2, after the first comma insert "lines 2 and 3, strike ', the Board of Trustees for' and insert 'and'; in".

The first Crosby amendment lost with 6 ayes, 16 nays, 17 present and not voting, and 10 excused and not voting.

The second Crosby amendment is as follows:
FA410

(Amendments to Standing Committee amendments, AM2555)

4. On page 9, line 22, after the semicolon insert "strike beginning with 'The' in line 12 through 'regents' in line 15 and insert 'Appropriations for the institutions shall be made to the board of regents for allocation to each institution';".

The second Crosby amendment lost with 2 ayes, 15 nays, 20 present and not voting, and 12 excused and not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Warner-Withem pending amendment, AM2975, found in the Journal on page 1333, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Coordsen offered the following amendment:
AM3039

1. On page 9, lines 8, 16, and 24, strike "and" and insert "the Governor with the approval of a

majority of the Legislature".

Mr. Coordsen withdrew his pending amendment, AM3039, found in this day's Journal.

Mr. Withem moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Advanced to E & R for review with 25 ayes, 4 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1141A. Advanced to E & R for review with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 457. Considered.

Mr. Conway withdrew his pending amendment, FA407, found in the Journal on page 1390.

Mr. Moore moved to indefinitely postpone.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Nelson asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3006

1. Insert the following new section:

"Sec. 30. That section 77-4105, Revised Statutes Supplement, 1988, be amended to read as follows:

77-4105. (1) A taxpayer who has signed an agreement under section 77-4104 may elect to determine taxable income for purposes of the Nebraska income tax using the sales factor only. The election may be made for the year during which the application was filed and for each year thereafter through the eighth year after the end of the entitlement period. The election shall be made for the year of the election by computing taxable income using the sales factor only on the tax return.

(2) A taxpayer who has signed an agreement under section 77-4104 shall receive the incentive provided in this subsection if the agreement contains one or more projects which together will result in the investment in qualified property of at least ten million dollars and the hiring of at least one hundred new employees. Such ten-million-dollar investment and hiring of at least one hundred new employees shall be considered a required level of investment and employment for this subsection and for the recapture of personal property tax only.

The following property used in connection with such project or projects and acquired by the taxpayer, whether by lease or purchase, after the date the application was filed shall constitute separate classes of personal property:

(a) Turbine-powered aircraft, including turboprop, turbojet, and turbofan aircraft, except when any such aircraft is used for fundraising for or for the transportation of an elected official;

(b) Mainframe business computers used for business information processing which require environmental controls of temperature and power and which are capable of simultaneously supporting more than one transaction and more than one user plus peripheral components which require environmental controls of temperature and power connected to such computers. Computer peripheral components shall be limited to additional memory units, tape drives, disk drives, power supplies, cooling units, and communication controllers; and

(c) Personal property which is business equipment located in a single project if (i) the business equipment is involved directly in the manufacture or processing of agricultural products, (ii) the investment in the single project exceeds ten million dollars, and (iii) the use, value, and proper classification of the business equipment has been certified by the Tax Commissioner.

Such property shall be exempt from the tax on personal property from the first January 1 following the date of acquisition for property in subdivision (2)(a) of this section, or from the first January 1 following the end of the year during which the required levels were exceeded for property in subdivisions (2)(b) and (2)(c) of this section, through the sixteenth December 31 after the filing of the application.

(3) ~~When~~ For agreements signed prior to the effective date of this act, when the taxpayer has met the required levels of employment and investment contained in the agreement, the taxpayer shall also be entitled to the following incentives:

(a) A refund of all sales and use taxes paid under the Nebraska Revenue Act of 1967 and the Local Option Revenue Act from the date of the application through the meeting of the required levels of employment and investment for all purchases, including rentals, of:

(i) Qualified property used as a part of the project;

(ii) Property, excluding motor vehicles, based in this state and used in both this state and another state in connection with the project except when any such property is to be used for fundraising for or for the transportation of an elected official;

(iii) Tangible personal property by the owner of the improvement to real estate that is incorporated into real estate as a part of a project; and

(iv) Tangible personal property by a contractor or repairperson after appointment as a purchasing agent of the owner of the improvement to real estate. The refund shall be based on fifty percent of the contract price, excluding any land, as the cost of materials subject to the sales and use tax; and

(b) A refund of the sales and use taxes paid under the Nebraska Revenue Act of 1967 and the Local Option Revenue Act on the types of purchases, including rentals, listed in subdivision (a) of this subsection for such taxes paid during each year of the entitlement period in which the taxpayer is at or above the required levels of employment and investment.

(c) The incentives in subdivisions (a) and (b) of this subsection shall not be available for any taxpayer signing an agreement on or after the effective date of this act.

(4) Any taxpayer who qualifies for the incentives contained in subsections (1) and (3) of this section and who has added at least thirty new employees at the project shall also be entitled to:

(a) A credit equal to five percent of the amount by which the total compensation paid during the year to employees who are either Nebraska employees or base-year employees while employed at the project exceeds the average compensation paid at the project multiplied by the number of equivalent base-year employees.

For the computation of such credit, average compensation shall mean the total compensation paid at the project divided by the total number of equivalent employees at the project; and

(b) A credit equal to ten percent of the investment made in qualified property at the project.

The credits prescribed in subdivisions (a) and (b) of this subsection shall be allowable for compensation paid and investments made during each year of the entitlement period that the taxpayer is at or above the required levels of employment and investment.

The credit prescribed in subdivision (b) of this subsection shall also be allowable during the first year of the entitlement period for investment in qualified property at the project after the date of the application and before the required levels of employment and investment were met.".

2. On page 50, line 11, strike "and" and after the last comma insert "and 77-4105,".

3. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 958. Title read. Considered.

Standing Committee amendment, AM2427, found in the Journal on page 723 for the Twenty-Fourth Day, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 11CA. Read. Considered.

PRESIDENT NICHOL PRESIDING

Mr. Hall offered the following amendment:
AM3045

1. On page 3, line 9, after "charters" insert "but excluding cities of the metropolitan class"; and in line 23 after "villages" insert "except cities of the metropolitan class".

Pending.

VISITORS

Visitors to the Chamber were Dick and Helen Erd from Palo Alto, California; 50 fourth grade students and teacher from Lyons-Decator; 25 eighth grade students and teacher from Tecumseh High School; 26 kindergarten through sixth grade students and teacher from Emerald; Mary Schutt, Dave Stewart, and Senator Lynch's daughter, Marianne Lynch; 25 Creighton University freshmen and teachers from Saitama, Japan; and Senator Leo Corbet from Arizona State Senate, Phoenix, Arizona.

ADJOURNMENT

At 2:23 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Monday, March 19, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 19, 1990

LEGISLATIVE JOURNAL

FORTY-EIGHTH DAY - MARCH 19, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 19, 1990

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Mark Brunott, First Evangelical Free Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Baack, Bernard-Stevens, Byars, Goodrich, Hall, Hartnett, R. Johnson, Kristensen, Lamb, Landis, Lindsay, Lynch, Moore, Morrissey, Schellpeper, Warner, Mmes. Labedz, Langford, Smith, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 301. Introduced by General Affairs Committee: Smith, 33rd District, Chairperson; Beck, 8th District; Elmer, 38th District; Hall, 7th District; Hartnett, 45th District; R. Johnson, 34th District; Kristensen, 37th District; Labedz, 5th District.

PURPOSE: The purpose of this resolution is to systematically study legalized gambling and all gaming activity and its regulation in the State of Nebraska. The study will look at and compare tax rates, take-out and pay-out rates, expense limitations, reporting procedures, location limitations, auditing procedures, proceeds to the charity and its lawful purpose, and other regulatory requirements that are statutorily applied on horseracing, bingo, local option lotteries, and pickle cards. The costs, methods, and purposes of regulation applied by the state will also be examined, including the uses, advantages, and disadvantages of commissions versus code agencies as the regulatory bodies overseeing gambling.

The study will also look at the regulation of horseracing in Nebraska and systematically examine the rules and regulations adopted by the State Racing Commission and the statutory basis of such rules and regulations. The study should make proposals for updating the State Racing Commission's statutes to ensure that policy goals of the Legislature are being accomplished and that the commission's rules and regulations adequately reflect statutory authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 302. Introduced by Robak, 22nd District; Hartnett, 45th District; Chambers, 11th District; Wesely, 26th District; McFarland, 28th District; Abboud, 12th District; Chizek, 31st District; Ashford, 6th District; Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to study the economic and environmental effects of the synchronization of traffic lights in Nebraska communities with a population of seven thousand five hundred or more persons.

The study shall include, but not be limited to:

(1) A review and summary of studies done in other states regarding the benefits, fiscal impact, and drawbacks resulting from the synchronization of traffic lights;

(2) Gathering input and information from the Department of Roads and city engineers throughout the state regarding the benefits, fiscal impact, and drawbacks resulting from the synchronization of traffic lights;

(3) Collecting, reviewing, and summarizing data available from environmental groups and agencies throughout the country regarding the environmental impact resulting from the synchronization of traffic lights; and

(4) A discussion of any other issue the committee deems necessary to fully conduct the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 303. Introduced by Lynch, 13th District.

PURPOSE: Enrollments at the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped continue to decline. The cost per student is fifty thousand dollars and is projected to be seventy thousand dollars by the 1994-95 school year. Nebraska has no single comprehensive program for children with multiple and difficult-to-serve handicaps. A significant amount of state money is being sent to other states for the purpose of educating Nebraska children with multiple and difficult-to-serve handicaps. Current statutes limit the role and mission of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped. The purpose of this resolution is to study the role and mission of the two schools and investigate the feasibility of the cost of, the savings resulting from, and any other issues regarding changing the role and mission of the two schools to authorize the provision of programs for children with multiple and difficult-to-serve handicaps.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 304. Introduced by Barrett, 39th District.

WHEREAS, Mrs. Ruby Stufft of Elsmere, Nebraska, has been a volunteer cooperative weather observer for the National Weather Service since 1920; and

WHEREAS, Mrs. Stufft will celebrate her ninetieth birthday and seventy years of volunteer service to the National Weather Service and Nebraska State Climatology Service in 1990; and

WHEREAS, Mrs. Stufft's volunteer service has involved daily weather observations for the seventy-year period; and

WHEREAS, Mrs. Stufft is the senior woman volunteer weather observer in the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature salutes Mrs. Ruby Stufft for the seventy years of volunteer service to the National Weather Service and Nebraska State Climatology Service.
2. That the Legislature congratulates Mrs. Stufft on her ninetieth birthday and wishes her many more.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 293 and LR 297.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1385: Lance Paulsen - Environmental Control Council.

Voting in the affirmative, 28:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Lamb
Langford
McFarland
Nelson
Peterson
Pirsch
Robak
Schimek
Schmit
Smith
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 5:

Chambers
Coordsen
Rogers
Scofield
Wehrbein

Excused and not voting, 16:

Ashford
Baack
Bernard-Stevens
Goodrich
Hall
Hartnett
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Morrissey
Schellpeper
Warner

The appointment was confirmed with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1385: Richard Lichti - Nebraska Gasohol Committee.

Voting in the affirmative, 28:

Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Lamb
Langford
McFarland
Morrissey
Peterson
Pirsch
Robak
Schmit
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 7:

Abboud
Chambers
Nelson
Rogers
Schimek
Scofield
Smith

Excused and not voting, 14:

Ashford
Baack
Bernard-Stevens
Hall
Hartnett
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
Lynch
Moore
Schellpeper
Warner

The appointment was confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Mr. Schmit moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1385: Nebraska Gasohol Committee - Howard G. Buffett, Opal Jensen, and James Kral.

Voting in the affirmative, 28:

Abboud
Barrett
Beck
Beyer
Byars
Coordsen
Dierks
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Langford
Moore
Morrissey
Nelson
Pirsch
Robak
Schimek
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 11:

Chambers
Chizek
Conway
Crosby
Haberman
McFarland
Peterson
Rogers
Schmit
Scofield
Wesely

Excused and not voting, 10:

Ashford
Baack
Bernard-Stevens
Hall
Hartnett
Labedz
Lindsay
Lynch
Schellpeper
Warner

The appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 348.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-177, Reissue Revised Statutes of Nebraska, 1943; to redefine chiropractic practice; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Schimek
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 5:

Chambers
Goodrich
Johnson, R.
Robak
Rogers

Excused and not voting, 7:

Ashford
Baack
Bernard-Stevens
Hall
Hartnett
Schellpeper
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 542.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 44-2824 and 44-2855, Reissue Revised Statutes of Nebraska, 1943; to authorize establishment of risk-loss trusts; to provide for the use of such trusts; to provide for applicability of certain laws; to provide requirements for certain risk-loss trusts; to provide duties for the Director of Insurance; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Schmit

Excused and not voting, 7:

Ashford
Baack
Bernard-Stevens
Hall
Hartnett
Schellpeper
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 594.

A BILL FOR AN ACT relating to nonprofit sports programs; to eliminate provisions relating to liability of certain persons as prescribed; and to repeal sections 25-21,195 to 25-21,199, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Barrett
Beck
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson. R.
Schimek

Excused and not voting, 7:

Ashford
Baack
Bernard-Stevens
Hall
Hartnett
Schellpeper
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 953 to Select File

Mr. Haberman moved to return LB 953 to Select File for his specific amendment. AM2919, found in the Journal on page 1303.

The Haberman motion to return prevailed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 953. The Haberman specific amendment, AM2919, found in the Journal on page 1303 was adopted with 36 ayes, 0 nays. 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for re-engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 965. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702 and 77-2704, Revised Statutes Supplement, 1989; to eliminate an obsolete date; to redefine a term; to exempt certain aircraft from sales and use tax; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R.
Moore

Excused and not voting, 2:

Bernard-Stevens
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1032. With Emergency.

A BILL FOR AN ACT relating to administrative departments; to amend section 81-1180, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to reimbursement for expenses of certain members of state commissions, councils, committees, or boards as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Bernard-Stevens
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1236.

A BILL FOR AN ACT relating to public libraries; to amend sections 51-211 and 51-212, Reissue Revised Statutes of Nebraska, 1943; to define terms: to provide for certain free services; to provide for fees for certain services; to prohibit the denial of service as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Bernard-Stevens
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 656

Mrs. Nelson withdrew her pending amendment, AM2929, found in the Journal on page 1333 to LB 656.

MOTION - Return LB 656 to Select File

LEGISLATIVE BILL 656. Mrs. Nelson moved to return LB 656 to Select File for the following specific amendment:
AM3049

(Amendments to Final Reading copy)

1. On page 10, strike lines 22 through 25 and

insert "(q) Financial statements of the membership camping operator in a form acceptable to the commission and prepared in accordance with generally accepted accounting principles, which statements shall include a financial statement for the most recent fiscal year and a financial statement for the most recent fiscal quarter. The commission may require an audited financial statement if the commission is not satisfied with the reliability of the submitted statement and the ability of the membership camping operator to meet future commitments.".

2. On page 11, strike lines 1 through 9.

The Nelson motion to return prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 656. The Nelson specific amendment, AM3049, found in this day's Journal, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for re-engrossment.

MOTION - Return LB 656 to Select File

LEGISLATIVE BILL 656. Mr. Abboud moved to return LB 656 to Select File for the following specific amendment:
AM3054

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 27. A city of the first class may plan, initiate, operate, maintain, administer funding for, and evaluate facilities, programs, and services that meet the needs of elderly persons and contract with state agencies, political subdivisions, and private nonprofit agencies to exercise and carry out such powers.

Sec. 29. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 1, line 8, after the second semicolon insert "to permit cities of the first class to

provide services for and to contract for meeting the needs of elderly persons;" and in line 9 after the semicolon insert "to provide severability;".

3. Renumber the remaining sections accordingly.

Mr. Abboud withdrew his pending motion to return.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1094.

A BILL FOR AN ACT relating to installment loans; to amend section 45-139, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to insurance in connection with loan contracts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 2:

Landis
Schmit

Present and not voting, 5:

Chambers
Dierks
Hannibal
Johnson, R.
Rogers

Excused and not voting, 2:

Coordsen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 305. Introduced by Pirsch, 10th District.

WHEREAS, many children lose their lives in fires within their own homes;

WHEREAS, smoke detectors have proven effective as a preventive measure in the loss of lives;

WHEREAS, some homes do not have the benefit of smoke detectors;

WHEREAS, NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to determine the feasibility and desirability of requiring all homes and/or other buildings or structures in Nebraska to be equipped with smoke detectors.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 306. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to cause a detailed study of a Department of Personnel policy limiting the ability of employees of the State of Nebraska insured under certain group health insurance plans to reduce the premiums paid for insurance coverage in the event of the occurrence of a family status change. For many years, it has been a policy of the State of Nebraska to provide a program of group health insurance for certain permanent employees of the state, with the premiums for such insurance being paid through the joint contributions of the insured employees and the State of Nebraska. This program is administered by the Department of Personnel. Under the terms of certain health insurance plans adopted as a part of this program, changes in family status experienced by insured employees may cause an automatic reduction in the insurance coverage made available to those employees. Employees experiencing these family status changes are permitted to reduce the premiums paid for health insurance coverage under such circumstances, but the Department of Personnel has adopted a policy which allows those employees to make such reductions only within the first thirty days after the date of the occurrence of the family status change. Thereafter, reductions in insurance premiums can only be accomplished during a period of open enrollment.

It is the intent of this resolution to cause a detailed study of the impact of this Department of Personnel policy upon the cost of health insurance coverage received by employees of the state. The current policy of the Department of Personnel may result in a situation where health insurance coverage of employees may be reduced automatically, without a commensurate reduction in premium contributions. In such cases, premium contributions will be made by the insured employees and by the state for health insurance coverage that is not received. It is the intent of this resolution to cause a study of this situation in an effort to determine how frequently such cases arise and the related cost of such cases to the State of Nebraska and the insured employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Legislative Research Office, the Public Counsel's Office, and the Legislative Fiscal Analyst's Office be directed to assist in the completion of this interim study.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 307. Introduced by McFarland, 28th District.

PURPOSE: The purpose of this resolution is to study the mammography programs and the alternatives for the State of Nebraska.

The study shall include, but not be limited to, an examination of the following issues:

(1) Assessment of the status of screening mammography in Nebraska;
(2) Quality assurance;
(3) Coalition building for mammography advocacy;
(4) Communication efforts (public education) for mammography as well as breast self-examination and clinic exams;
(5) Follow-up and treatment;
(6) Cost and reimbursement by third party payers;
(7) Funding for public health programs;
(8) Models from other state governments;
(9) Inter-agency promotion and coordination within Nebraska state government, such as the Department of Correctional Services, Department on Aging, Department of Public Institutions, and Department of Social Services;
(10) Professional education;
(11) Underserved populations at high risk; and
(12) Organization of a state system to provide and promote mammography.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That an Ad Hoc Committee made up of other Senators or health care professionals to further assist with the purpose of this resolution may be formed.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 308. Introduced by Coordsen, 32nd District.

WHEREAS, in 1890 a young immigrant by the name of Joseph Steiner came to the three-year old village of Deshler, Nebraska, looking for employment and with the help of a local merchant, H. J. Struve, began to manufacture brooms from corn in a small shed attached to the rear of the Struve Mercantile Company; and

WHEREAS, by the end of the nineteenth century, the Deshler Broom Factory was receiving orders for as many as one thousand two hundred brooms per week and shipping them north to Rapid City, south to St. Joseph, east to Chicago, and west to Denver and Las Vegas; and

WHEREAS, by 1926 a series of building additions increased the size of the factory to a length spanning two city blocks and employing two hundred people, having established itself as the largest single producer of brooms in the world; and

WHEREAS, the factory saw peak production in 1942 of over one and a half million dollars in sales and four hundred employees until three disastrous fires severely damaged the buildings and caused a cutback in its production capabilities; and

WHEREAS, the Deshler Broom Factory continues to produce nearly one hundred dozen quality brooms per day of various models and sizes, one hundred years since the first corn broom was wound by a humble immigrant in a little wood shed behind a dry goods store.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Deshler Broom Factory on the one hundredth anniversary of its founding, recognizes its impact on the development and growth of the community of Deshler, and commends its contribution to the rich history and heritage of this great state and the industrious people who settled it.

2. That copies of this resolution be sent to Harold Struve, Mayor of Deshler, and Berdon Pedersen, Manager of the Deshler Broom Factory.

Laid over.

LEGISLATIVE RESOLUTION 309. Introduced by Lindsay, 9th District.

PURPOSE: The purpose of this study is to examine the Nebraska Regulation of Health Professions Act known as the 407 review process.

The study shall examine the current process to determine whether it is satisfying the purpose for which the 407 review was originally adopted. This shall include an examination of all proposals that have been reviewed since the 407 review was implemented, a review of the criteria that are used to apply to 407 proposals, and a review of the manner in which applicant groups and technical review committee members are selected. It shall then include an analysis of the process as an effective means for developing a consensus among disparate parties and for eliciting necessary and appropriate data, research, and other information from the 407 applicant.

In its conclusions, the study shall address the following points: (1) The policy implications in diverting requests for professional scope of practice changes and new credentialing to a selected administrative body for professional assessment; (2) the usefulness of the information produced for the Legislature through the 407 process; (3) the degree to which the process unburdens the Legislature from credentialing requests; and (4) whether any changes or modifications are necessary to more adequately meet the objectives of the 407 process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee be designated by the Executive Board of the Legislature to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 571A. Introduced by Conway, 17th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, Ninety-first Legislature, Second Session, 1990.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1064. E & R amendment, AM7145, found in the Journal on page 794 for the Twenty-Seventh Day, was adopted.

Mr. Peterson withdrew his pending amendment, AM2533, printed separately from the Journal and referred to on page 821.

Mr. Withem renewed his pending amendment, AM3014, found in the Journal on page 1366.

The Withem amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Peterson offered the following amendment:
AM3027

1. Insert the following new sections:

"Sec. 22. That section 71-5115, Revised Statutes Supplement, 1989, be amended to read as follows:

71-5115. (1) There is hereby established the Board of Ambulance Advisors which shall advise and assist the department in administering the program provided by sections 71-5101 to 71-5140 and approve all rules and regulations adopted and promulgated by the department.

(2) The board shall be composed of ~~twelve~~ thirteen members appointed by the Governor, six of whom shall be representatives of volunteer ambulance services, one of whom shall be a representative of private ambulances, two of whom shall be representatives of local governmental ambulance services, one of whom shall be a physician licensed to practice medicine and surgery pursuant to the Uniform Licensing Law, one of whom shall be a certified first responder, one of whom shall be an administrator of a hospital licensed by the department, and one of whom shall be a public-spirited citizen of Nebraska interested in emergency medical services. Each member of the board shall be a resident of the state. The six members of the board representing the volunteer ambulance services shall be selected by the Governor from the six health planning areas in Nebraska. Each member of the board, with the exception of the public-spirited citizen, shall have had at least five years of experience in the profession or calling of his or her class prior to his or her appointment. Each representative of an ambulance service appointed to the board shall be an ambulance attendant certified by the department.

Sec. 31. Sections 31 to 40 of this act shall be known and may be cited as the First Responders Emergency Rescue Act.

Sec. 32. The Legislature finds:

(1) That initial emergency medical care is an essential health care service and that the presence of trained first responder personnel may be the difference between life and death or permanent disability to those persons in Nebraska making use of such services in an emergency;

(2) That an effective emergency medical services system may be assisted by a program of training and certification of first responders approved by the board; and

(3) That the First Responders Emergency Rescue Act is essential to aid in the advancement in the quality of care being provided by emergency medical services in the State of Nebraska.

Sec. 33. For purposes of the First Responders Emergency Rescue Act:

(1) Basic life support shall mean those acts ordinarily performed after training by emergency medical technicians not specifically preempted and separately licensed under the Emergency Medical Technician-Paramedic Act. Basic life support shall include oxygen administration, use of oropharangeal and nasal pharyngeal airways, and use of pneumatic anti-shock garments. Automatic and semiautomatic defibrillation under the licensing and certification procedures in rules and regulations adopted and promulgated by the department can also be done by basic life support personnel;

(2) Board shall mean the Board of Ambulance Advisors;

(3) Department shall mean the Department of Health;

(4) Certified first responder shall mean a person who is certified by the department pursuant to the act to locate and provide initial basic emergency treatment to patients at the scene of an emergency and to remove such patients from such scene;

(5) First responder service shall mean any organizational entity whose members are trained at the certified first responder level or higher to provide prehospital emergency care to patients at the scene of an emergency;

(6) Patient shall mean an individual who is sick, injured, wounded, or otherwise helpless or

incapacitated; and

(7) Person shall mean an individual, firm, partnership, corporation, company, association, joint-stock company or association, political subdivision, governmental agency, or other legal entity and shall include any trustee, receiver, assignee, or other legal representative thereof but shall not include any agency of the United States Government.

Sec. 34. (1) Application for a certificate of training from the department to act as a certified first responder shall be made upon forms prepared by the department and shall contain such information as the department with the approval of the board shall deem necessary.

(2) In order to qualify for a certificate of training to act as a certified first responder, an applicant shall be required to:

(a) Successfully pass the Nebraska Forty Hour Emergency Medical Services-First Responder Course developed by the department based on the curriculum of the United States Department of Transportation Forty Hour Emergency Medical Services-First Responder Course conducted by an institution or person reviewed by the department and approved by the board;

(b) Hold a current certificate of successful completion of the United States Department of Transportation Forty Hour Emergency Medical Services-First Responder Course conducted in a state other than Nebraska which required passage of a written and practical examination; or

(c) Successfully pass the Nebraska Fire Service's Fifty-two Hour Firefighter First Aid Course.

(3) Certificates of training to act as a certified first responder shall be issued by the department and shall remain in effect unless suspended or revoked by the department in accordance with section 36 of this act.

(4) The department shall, within thirty days after receipt of an application for a certificate of training as a certified first responder, make such investigation of the applicant as it deems necessary and, if such applicant is deemed competent pursuant to the requirements of this section, shall issue a certificate of training therefor.

Sec. 35. The department with the approval of the board shall adopt, promulgate, and enforce rules and regulations necessary for administration of First Responders Emergency Rescue Act, but such rules and regulations shall not include setting requirements for training of certified first responders.

Sec. 36. (1) The department shall issue a certificate of training to act as a certified first responder to persons who are found to comply with the First Responders Emergency Rescue Act by the department with the approval of the board. The department shall deny, suspend, or revoke licenses or certificates for any of the following grounds:

(a) Violation of the act;

(b) Permitting, aiding, or abetting the commission of any unlawful act; or

(c) Conduct or practices detrimental to the health or safety of patients or to members of the general public while responding to and providing emergency medical care.

(2) If there is a determination to deny, suspend, or revoke a certificate, the department shall send to the applicant or certificate holder by registered or certified mail a notice setting forth the specific reasons for the determination. The denial, suspension, or revocation shall become final thirty days after the mailing of the notice unless the applicant or certificate holder within such thirty-day period gives written notice of a desire for a hearing. Upon receipt of such notice, the department shall provide the applicant a formal hearing in the presence of the board. The applicant or certificate holder shall have the right to present evidence on his or her own behalf. On the basis of the evidence presented, the determination to deny, suspend, or revoke such certificate shall be affirmed or set aside by the department, and a copy of such decision setting forth the findings of facts and the specific reasons upon which it is based shall be sent by either registered or certified mail to the applicant or certificate holder. The applicant or certificate holder may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

(d) The department may initiate an

investigation or proceeding under the act on its own motion or on the written and signed complaint of any person.

Sec. 37. No certified first responder who provides public emergency care or rescue service shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any such service. Nothing in this section shall be deemed to grant any such immunity for liability arising out of the operation of any motor vehicle, aircraft, or boat or while such person was impaired by alcoholic liquor or by any controlled substance enumerated in section 28-405 in connection with such service nor shall immunity apply to any person causing damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission.

Sec. 38. The First Responders Emergency Rescue Act shall not be construed to supersede, limit, or otherwise affect the provisions of state civil defense laws or any other interstate civil defense compact participated in by the State of Nebraska dealing with licenses for professional, mechanical, or other skills for persons performing civil defense, emergency, or disaster functions.

Sec. 39. The department with the approval of the board may, whenever it deems it appropriate, waive any rule, regulation, or standard relating to the certification of first responders when the lack of such service or of a licensed ambulance in a municipality will create an undue hardship in the municipality in meeting the emergency medical service needs of the people thereof.

Sec. 40. The Nebraska Regulation of Health Professions Act shall not apply to the First Responders Emergency Rescue Act.".

2. In the Wesely amendment, AM2487, on page 55, line 23, after the second comma insert "71-5115,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Peterson withdrew his pending amendment.

Mr. Beyer moved to indefinitely postpone LB 1064.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business. the President signed the following bills: 348, 542, 594, 965, 1032, 1236, and 1094.

SELECT FILE

LEGISLATIVE BILL 1146. Mr. Landis withdrew his motion to indefinitely postpone LB 1146, found in the Journal on page 1238.

Messrs. Barrett, Bernard-Stevens, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Schmit and Wesely offered the following amendment:
AM3043

1. Insert the following new sections:

“Sec. 2. (1) Each subsidiary bank of an out-of-state bank holding company shall file with the state investment officer a copy of the public section of the subsidiary bank's most current written evaluation issued pursuant to the terms of section 807 of the Community Reinvestment Act of 1977, as amended, 12 U.S.C. 2906. The copy shall be filed with the state investment officer within thirty days of receipt of the evaluation from the subsidiary bank's primary appropriate federal financial supervisory agency.

(2) On and after January 1, 1992, the state investment officer shall not further deposit or redeposit public funds as authorized by section 72-1263 in any subsidiary bank of an out-of-state bank holding company which has been assigned, by its primary appropriate federal financial supervisory agency, a rating of substantial noncompliance in meeting community credit needs. Upon the filing with the state investment officer of a copy of an updated written evaluation which reflects that the subsidiary bank is no longer assigned such rating, the subsidiary bank shall immediately be eligible for further deposit or redeposit of public funds as authorized by such section.

(3) For purposes of this section, bank holding

company shall have the meaning provided in 12 U.S.C. 1841 as it exists on the effective date of this act and appropriate federal financial supervisory agency shall have the meaning provided in 12 U.S.C. 2902 as it exists on such date.

(4) This section shall not apply to any subsidiary bank of an out-of-state bank holding company, as defined in 12 U.S.C. 1842(d) as it existed on August 26, 1983, which on March 12, 1963, owned at least two banks in this state.

(5) This section shall not be construed or interpreted in any manner to be a condition precedent to the acquisition or control of a bank in this state by an out-of-state bank or out-of-state bank holding company.

Sec. 3. That section 72-1263, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1263. The state investment officer shall, out of funds available for investment, cause to be offered to all banks and building and loan associations in this state a time deposit open account in the amount of one hundred fifty thousand dollars, except that any bank or building and loan association may accept such offer in amounts of one hundred thousand dollars or fifty thousand dollars. Such deposit shall be available at any investment date to such banks or building and loan associations as are willing to meet the rate and other requirements set forth in the Nebraska Capital Expansion Act and make application therefor. The balance of the funds available for investment shall then be offered at the same rate to the banks and building and loan associations making application for and otherwise qualifying for such deposit. Such deposit shall be offered in increments of fifty thousand dollars. No deposit shall be made when doing so would violate a fiduciary obligation of the state or section 2 of this act. All funds not investable under this section shall be invested as provided by section 72-1246. No one bank or building and loan association may receive for deposit a sum of more than five hundred thousand dollars or an amount not to exceed the amount covered by the Federal Deposit Insurance Corporation, ~~or the Federal Savings and Loan Insurance Corporation,~~ plus twice the institution's equity capital or net worth or as otherwise provided for by law, whichever is less.

Sec. 4. That section 72-1269, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1269. Sections 72-1261 to 72-1269 and section 2 of this act shall be known and may be cited as the Nebraska Capital Expansion Act.”.

2. On page 5, line 4, after “original” insert “sections 72-1263 and 72-1269, Reissue Revised Statutes of Nebraska, 1943, and”; and in line 5 strike “is” and insert “are”.

3. Renumber the remaining sections accordingly.

The Schmit-Wesely amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Lynch offered the following amendment:
AM3052

1. Insert the following new sections:

“Sec. 2. That section 77-2321, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2321. The depository furnishing securities as set forth in section 77-2320 shall have the right at any time and without prior approval to substitute other ~~approved~~ securities of equal value in lieu of securities already deposited, except that such securities substituted shall be those provided for in section 77-2320. At all times the total value of the securities on deposit shall be in an amount equal to or greater than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation, except that in the case of the deposit of municipal bonds alone, the total value shall equal ten percent more than the amount of the public funds deposited in the bank or capital stock financial institution less the amount insured by the Federal Deposit Insurance Corporation. Following any substitution of securities pursuant to this section, the county treasurer shall report such substitution at the next meeting of the county board. ~~pledged if it so desires at any time. In counties having a population of~~

~~two hundred thousand inhabitants or more the county board may by resolution authorize the county treasurer to accept the substitution of other approved securities in lieu of securities already pledged and report such action at the next meeting of the county board. If the action of the treasurer in accepting such substitution shall not be approved by the board at such first meeting, then the depository shall be required to deposit securities satisfactory to the board or the treasurer shall withdraw the deposit within three days. Such securities substituted must, however, be those provided for in section 77-2320 and approved by the members of the county board, the total value of which in the case of bonds alone shall at all times equal ten percent more than the maximum amount of the deposit to which the bank or capital stock financial institution is entitled.~~

Sec. 3. That section 77-2326.01, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2326.01. ~~As used in~~ For purposes of sections ~~77-2326.01~~ 77-2313 to 77-2326.09, (1) ~~the term~~ county board shall include county commissioners or county supervisors, as the case may be, and (2) ~~the term~~ public money shall include all funds which come into the hands of county judges, clerks of the county court, or clerks of the district court pursuant to any provision of law authorizing such officers to collect or receive the same.

Sec. 4. That section 77-2326.04, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.04. (1) No deposits in excess of the amount insured by the Federal Deposit Insurance Corporation ~~or the Federal Savings and Loan Insurance Corporation~~ shall be made to accumulate in any bank or capital stock financial institution designated as a depository unless and until the county judge, clerk of the county court, or clerk of the district court, as the case may be, has received from such depository as security for the prompt repayment by the depository of his or her respective deposits in excess of the amount insured by the Federal Deposit Insurance Corporation ~~or the Federal Savings and Loan Insurance Corporation~~

either a surety bond in form and with corporate sureties approved by the county judge or judges or by formal resolution of the county board, as the case may be, or in lieu thereof a pledge of or grant of a security interest in:

(a) Bonds, notes, certificates of indebtedness, or treasury bills of the United States Government of any issue;

(b) Obligations fully and unconditionally guaranteed both as to principal and interest by the United States or bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration;

(c) Bonds of any county, city, village, or school district of this state which have been issued and registered as required by law;

(d) Loan participations which carry the guarantee of the Commodity Credit Corporation, an instrumentality of the United States Department of Agriculture; or

(e) Registered warrants of any county, city, or school district of this state.

(2) The delivery by the bank or capital stock financial institution designated as a depository to the county judge, clerk of the county court, or clerk of the district court, as the case may be, of a written receipt or acknowledgment from a Federal Reserve Bank or branch thereof or some other bank, capital stock financial institution, or trust company in this state, other than the bank or capital stock financial institution granting the security interest, that includes the name and title of such public officer, describes securities identified on the books or records of the depository, and provides that the securities or the proceeds of securities will be delivered only upon surrender of the receipt or the acknowledgment duly executed by the public officer designated thereon and by the authorized representative of the depository shall, together with such public officer's actual and continued possession of such receipt or acknowledgment, constitute a valid and perfected security interest in favor of such public officer in and to the securities so identified. Article

9, Uniform Commercial Code, shall not apply to any security interest arising under this section. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 5. That section 77-2326.08, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.08. The depository pledging or granting a security interest in bonds or securities under sections 77-2326.01 to 77-2326.09 shall have the right to substitute therefor from time to time other and different bonds and securities of equal value within the foregoing requirements and to withdraw all or any part of such bonds or securities so pledged or in which a security interest has been granted upon repayment to the clerk of the county court or clerk of the district court of the value of the bonds or securities thus withdrawn. Each depository shall furnish directly to the county board a sworn monthly statement of the funds of the county judge, clerk of the county court, and clerk of the district court on deposit in such depository. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 6. That section 77-2326.09, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2326.09. ~~Neither the clerks~~ The clerk of the county court, the clerk of the district court, ~~nor~~ their deputies or other employees, and ~~nor~~ their sureties shall not be liable for any loss resulting from the failure of any bank or capital stock financial institution as to any such deposits made and maintained as provided in sections 77-2326.01 to 77-2326.09.".

2. On page 5, line 4, strike "section 8-903" and insert "sections 8-903 and 77-2326.01"; and in line 5 strike "is" and insert "and sections 77-2321, 77-2326.04, 77-2326.08, and 77-2326.09, Revised Statutes Supplement, 1989, are".

3. Renumber the remaining sections accordingly.

Mr. Lynch moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The Lynch amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1090. E & R amendment, AM7171, found in the Journal on page 979 for the Thirty-Fourth Day, was adopted.

Mr. Lindsay renewed his pending amendment, AM2757, found in the Journal on page 1057 for the Thirty-Sixth Day.

The Lindsay amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. McFarland renewed his pending amendment, AM2914, found in the Journal on page 1275 for the Forty-Second Day.

The McFarland amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem renewed his pending amendment, AM3000, found in the Journal on page 1349 for the Forty-Fourth Day.

The Withem amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1099A. Introduced by Schmit, 23rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1099, Ninety-first Legislature, Second Session, 1990.

VISITORS

Visitors to the Chamber were 26 fourth grade students and teacher from Walthill School; 9 student party leaders from Bulgaria; members of Youth Government Day; 18 seniors and teacher from Crete; and 55 members and sponsors from the Central City Junior Police Patrol.

RECESS

At 12:00 p.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused; and Messrs. Ashford, Beyer, Conway, Goodrich, Haberman, Hall, Hannibal, R. Johnson, Kristensen, Landis, McFarland, Moore, Schellpeper, Warner, Wehrbein, Withem, Mmes. Labedz, Langford, Pirsch, and Smith who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 19, 1990, at 12:30 p.m., were the following bills: 348, 542, 594, 965, 1032, 1236, and 1094.

(Signed) Randy Tippin, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 1090A. Mr. Bernard-Stevens offered the following amendment:

AM2997

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $61,440 from the General Fund and $10,000 from the State Department of Education Cash Fund for FY1990-91 and (2) $58,812 from the General Fund and $10,500 from the State Department of Education Cash Fund for FY1991-92, to the State Department of Education, for Program 025, to aid in carrying out the provisions of Legislative Bill 1090, Ninety-first Legislature, Second Session, 1990.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $28,812 for FY1990-91 or $30,978 for FY1991-92.".

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 315. E & R amendment, AM7179, found in the Journal on page 1144 for the Thirty-Ninth Day, was adopted.

Mr. Wesely withdrew his pending amendment, AM2748, found in the Journal on page 1059.

Mr. Wesely renewed his pending amendment, AM2865, found in the Journal on page 1222.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion failed with 15 ayes, 11 nays, and 23 not voting.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 12:

Ashford
Chambers
Hall
Johnson, R.
Labedz
Landis
Lynch
McFarland
Morrissey
Schimek
Wesely
Withem

Voting in the negative, 19:

Baack
Barrett
Beck
Beyer
Byars
Conway
Coordsen
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Kristensen
Langford
Nelson
Smith
Warner
Wehrbein
Weihing

Present and not voting, 15:

Abboud
Bernard-Stevens
Chizek
Crosby
Dierks
Haberman
Hannibal
Korshoj

Lamb Peterson Rogers Schellpeper Scofield
Lindsay Robak

Excused and not voting, 3:

Moore Pirsch Schmit

The Wesely amendment lost with 12 ayes, 19 nays, 15 present and not voting, and 3 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1031. Placed on Select File as amended.
E & R amendment to LB 1031:
AM7194

1. In the Haberman amendment, AM3024, on page 1, line 8, strike the comma.

2. In the Schellpeper amendment, AM2977:

a. Renumber section 43 as section 42; and

b. On page 1, line 4, after "Agriculture" insert an underscored comma.

3. In the Kristensen amendment, FA404, number the section as section 65.

4. In the Warner amendment, AM2858, renumber section 71 as section 74.

5. In the Barrett amendment, FA402, on page 1, line 3, strike the second comma and insert "for FY1990-91"; and in line 5 after the first "and" insert "the".

6. In the Standing Committee amendment, AM2659:

a. Renumber section 70 as section 73;

b. On page 22, line 7, strike "$5,550,628", show as stricken, and insert "$5,730,638";

c. On page 39, line 20, strike "81,520,690" and insert "83,745,814"; and in line 24 strike "124,852,878" and insert "127,078,002";

d. On page 51, lines 22 and 23, strike "-0-" and all amendments thereto and insert "120,000"; and

e. On page 52, lines 18 and 19, strike "8,000" and all amendments thereto and insert "128,000".

7. On page 1, line 3, after “sections” insert “16, 28,”, after the second comma insert “36,”, and after the fourth comma insert “85,”; and in line 7 after the first semicolon insert “to appropriate funds for the expenses of state government and capital construction; to provide for a council;”.

8. On page 20, line 16, strike “321,487,059” and insert “321,637,059”; and in line 19 strike “321.569.492” and insert “321,719,492”.

9. On page 25, line 17, strike “21,129,871” and insert “20,682,319”; reinstate line 19; strike line 20; and in line 22 strike “25,385,586” and insert “24.008,601”.

10. On page 32, strike lines 1, 3, 5, and 7; and after line 7 insert:

“GENERAL FUND	853,027	1,185,865
CASH FUND	777,216	720,221
FEDERAL FUND est.	2,278,545	4,424,261
AGENCY TOTAL	3,908,788	6,330,347”.

11. On page 50, line 4, strike “State”; in line 5 after “the” insert “budget division of the”; and in line 6 strike “budget division”.

12. On page 59, line 19, strike “21,075” and insert “27.075”.

13. On page 60, before line 4, insert:

“FOR INFORMATIONAL PURPOSES ONLY: Total Appropriations to Agency No. 34 and Fund Source

	FY1989-90	FY1990-91
GENERAL FUND	32,140	9,000
CASH FUND	18,700	9,000
FEDERAL FUND est.	2,375	15,625
AGENCY TOTAL	53,215	33,625”.

14. On page 63, before line 24, insert:

“FOR INFORMATIONAL PURPOSES ONLY: Total Appropriations to Agency No. 48 and Fund Source

	FY1989-90	FY1990-91
GENERAL FUND	9,878	250,000
AGENCY TOTAL	9,878	250,000”.

15. On page 73, lines 20 and 21, strike “Gas” and insert “Fuel”.

16. On page 74, line 8, strike “Htr” and insert “Heater”.

17. On page 83, line 3, after “original” insert “Laws 1989, LB 301, section 1;”; in line 4 after

"sections" insert "16, 28,", after the second comma insert "36,", and after the fourth comma insert "85,".

18. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1125. Placed on Select File as amended.
E & R amendment to LB 1125:
AM7189

1. On page 1, line 4, strike "of the Director of Personnel".

LEGISLATIVE BILL 920. Placed on Select File.

LEGISLATIVE BILL 1170. Placed on Select File as amended.
E & R amendment to LB 1170:
AM7188

1. In the Standing Committee amendment, AM2680, on page 1, line 21, strike "them" and insert "him or her".

2. On page 1, line 4, after the semicolon insert "to state intent;".

LEGISLATIVE BILL 536. Placed on Select File as amended.
E & R amendment to LB 536:
AM7190

1. On page 1, strike beginning with "appropriations" in line 1 through line 5 and insert "public assistance; to amend section 43-512, Revised Statutes Supplement, 1989; to authorize an additional aid to dependent children payment as prescribed; and to repeal the original section.".

LEGISLATIVE BILL 1220. Placed on Select File as amended.
E & R amendment to LB 1220:
AM7193

1. On page 7, line 10, strike "for", show as stricken, and insert "of".

2. On page 11, line 3, after "which" insert "project".

LEGISLATIVE BILL 1126. Placed on Select File.

LEGISLATIVE BILL 898. Placed on Select File as amended.
E & R amendment to LB 898:

AM7191

1. On page 1, line 2, strike “require” and insert “authorize”; and in line 3 strike “the” and insert “a” and after “Complex” insert “at Fort Robinson State Park”.

LEGISLATIVE BILL 899. Placed on Select File as amended.
E & R amendment to LB 899:
AM7192

1. On page 1, strike beginning with “the” in line 1 through line 3 and insert “Kearney State College; to state intent; to appropriate funds for a feasibility study and program statement for an alternate capital construction project; and to declare an emergency.”.

RESOLUTIONS

LEGISLATIVE RESOLUTION 310. Introduced by Kristensen, 37th District.

PURPOSE: Legislative Bill 942 which statutorily creates the Court of Appeals was introduced during the 1990 legislative session. The purpose of this resolution is to study Legislative Bill 942 to insure that if the amendment to Article V of the Constitution of Nebraska authorizing the Court of Appeals is passed in November 1990, the statutory framework for such court is in place in the most complete and correct form possible and ready for efficient implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 311. Introduced by Kristensen, 37th District.

PURPOSE: The purpose of this resolution is to study the growing problems in the agriculture industry resulting from herbicide drift.

The study shall include a review of any federal regulations existing on the issue and any proposed state action which the committee deems necessary to control the problem of herbicide drift.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 315. Mr. Coordsen renewed his pending amendment, AM2996, found in the Journal on page 1350 for the Forty-Fifth Day.

Mr. Ashford offered the following amendment to the Coordsen amendment, AM2996:
FA411
on Pg. 4 line 22 add after the word "she" the language "applies to enroll"

Mrs. Robak and Mr. Korshoj asked unanimous consent to be excused. No objections. So ordered.

The Ashford amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Hall offered the following amendment to the Coordsen amendment, AM2996:
FA412
on page 4, subsection 2, line 23, strike "commissioner" on the second to last line and insert "Department of Health" & on Pg 5 beginning with the word "Such" in line 6 strike the balance of the sentence in lines 6, 7, 8 and 9.

PRESIDENT NICHOL PRESIDING

Mr. Hall moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

SPEAKER BARRETT PRESIDING

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud
Baack
Chambers
Chizek
Crosby
Haberman
Hall
Hartnett
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Schimek
Scofield
Wesely

Voting in the negative, 17:

Beck
Beyer
Byars
Coordsen
Dierks
Elmer
Goodrich
Hefner
Johnson, L.
Kristensen
Lamb
Langford
Moore
Pirsch
Smith
Warner
Wehrbein

Present and not voting, 8:

Barrett
Bernard-Stevens
Hannibal
Peterson
Rogers
Schellpeper
Weihing
Withem

Excused and not voting, 6:

Ashford
Conway
Johnson, R.
Korshoj
Robak
Schmit

The Hall amendment lost with 18 ayes, 17 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

The Coordsen amendment, as amended, was adopted with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Wehrbein offered the following amendment:
AM2888

(Amendments to E & R amendments, AM7179)

1. Insert the following new section:

"Sec. 16. Sections 48-1901 to 48-1910 and sections 9 and 15 of this act shall not apply to any employer who is subject to federal law or federal regulations governing the administration of drug and alcohol tests.".

2. On page 23, line 12, strike the second "and" and insert an underscored comma; and in line 13 after "15" insert ", and 16".

3. On page 24, line 6, strike "and 15" and insert ", 15, and 16".

4. On page 34, line 16, strike "17" and insert "18".

5. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens offered the following amendment to the Wehrbein amendment:
FA413

by striking the amendment and inserting the following:

Any employer who is currently complying with a federal testing program and utilizing an administrative cut off no lower than 0.01% of alcohol in the blood shall be exempt from this statute.

Ms. Schimek and Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

The Bernard-Stevens amendment, FA413, lost with 10 ayes, 14 nays, 16 present and not voting, and 9 excused and not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Messrs. Schellpeper and Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud Baack Barrett Beck Beyer

Byars
Crosby
Goodrich
Hannibal
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Langford
Peterson
Pirsch
Rogers
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 12:

Bernard-Stevens
Chambers
Chizek
Coordsen
Haberman
Hall
Landis
Lindsay
Lynch
Moore
Morrissey
Scofield

Present and not voting, 4:

Dierks
Hartnett
Nelson
Wesely

Excused and not voting, 11:

Ashford
Conway
Elmer
Johnson, R.
Korshoj
McFarland
Robak
Schellpeper
Schimek
Schmit
Withem

The Wehrbein amendment lost with 22 ayes, 12 nays, 4 present and not voting, and 11 excused and not voting.

Pending.

LEGISLATIVE BILL 1018. E & R amendment, AM7181, found in the Journal on page 1233 for the Forty-First Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 220A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 369A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 880A. Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointments Tuesday, March 27, 1990 1:00 p.m.
  Nebraska Arts Council
    Rich Bailey
    Mary Cabela
    Marge Durham
    Catherine Ferguson

Luigi Waites

State Electrical Board
Wayne D. Sides

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 551 in the Journal. No objections. So ordered.

AM3042

1. In the Standing Committee amendment, AM2128:

a. Insert the following new section:

“Section 1. Sections 1 to 31 of this act shall be known and may be cited as the Clinical Laboratories Certification Act.”;

b. On page 1, line 11, strike “this act” and insert “the Clinical Laboratories Certification Act”; in line 12 strike “3 to 14” and insert “4 to 15”; and in line 18 after “individual” insert “in a laboratory”;

c. On page 2, line 4, strike “in a laboratory”;

d. On page 3, line 3, strike “Is a technician who does” and insert “Does”; in line 13 strike “received” and insert “receive”; and in line 15 strike “act” and insert “section”;

e. On page 4, line 19, strike “other” and insert “inorganic”; and in line 24 strike “organic” and insert “inorganic”;

f. On page 5, line 9, after “qualified” insert “as a clinical laboratory technologist”; in line 20 strike “received” and insert “receive”; and in line 22 strike “act” and insert “section”;

g. On page 6, line 15, after “laboratories” insert “under the Clinical Laboratory Certification Act”; strike beginning with “by” in line 18 through “Administration” in line 19; and in line 22 strike “sections 19” and insert “section 18 of this act or sections 20”;

h. On page 7, line 15, strike “18” and insert “19”; in line 20 strike “act” and insert “section”; in line 21 strike "Every" and insert "After the operative date of this section, every"; and in line 23 strike "thirty" and insert "forty-five";

i. On page 8, line 7, after "practitioners" insert "employed at the laboratory"; after line 16 insert:

"The application shall be accompanied by the biennial certification fee as provided in section 31 of this act. If the applicant withdraws the application or the department rejects the application, the department shall return the certification fee except for an administrative fee of twenty-five dollars."; and in line 19 after "laboratory" insert "in existence on the operative date of this section";

j. On page 9, line 3, strike "17" and insert "18"; and in lines 4 and 12 strike "19" and insert "20";

k. On page 10, strike lines 6 to 8 and all amendments thereto and insert "within fifteen days. The laboratory shall cease to operate until it applies for and receives a new certificate pursuant to sections 20 to 22 of this act.";

l. On page 13, lines 4, 5, and 19, strike "assurance" and insert "control"; and strike beginning with "collects" in line 14 through "procedures" in line 15 and insert "performs the duties of a clinical laboratory practitioner";

m. On page 14, line 2, after "Pathology" insert "or the American Osteopathic Board of Pathology"; in line 16, strike "Assure" and insert "Assist in teaching"; in line 17 strike "assurance" and insert "control"; and in line 19 strike "Assure" and insert "Assist";

n. On page 15, renumber section 21 as section 23; and strike beginning with "Each" in line 16 through the period in line 17;

o. On page 17, line 15, strike "this"; and in line 16 strike "act" and insert "the Clinical Laboratories Certification Act";

p. On page 18, line 3, strike "23" and insert "24"; in line 7 strike "any" and insert "the department shall notify the certificate holder in writing. Any"; in line 9 strike "conducting such hearing" and insert "notification and conduct of a hearing and the provisions for finality of the department's decision";

in line 15 after the period insert "When the department's denial, suspension, or revocation is final, the laboratory shall cease to operate until it applies for and receives a new certificate pursuant to section 18 of this act or sections 20 to 22 of this act."; in line 20 strike "25" and insert "26"; and in line 22 after "for" insert "suspension," and after "revocation" insert a comma;

q. On page 19, line 2, after "the" insert "other" and strike "this act" and insert "the Clinical Laboratories Certification Act"; in line 17 strike "effective" and insert "operative"; and in line 18 strike "act" and insert "section";

r. On page 20, lines 15 and 16 and 22 strike "this act" and insert "the Clinical Laboratories Certification Act"; in line 18 strike "this" and insert "the"; and in line 24 strike "15" and insert "16";

s. On page 21, line 2, strike "17" and insert "18"; in line 7 strike "and"; in line 8 after "fees" insert "; and

(7) To establish reasonable standards in the public interest governing approval of tests for home use as described in section 10 of this act. Standards of the Food and Drug Administration may be used as the bases for such standards"; in line 12 strike "19" and insert "20"; in line 15 strike "annual" and insert "biennial"; in line 17 strike "17" and insert "18"; in line 18 strike "not more than" and insert "one hundred"; in line 19 after the period insert "Other laboratories shall pay a fee of not less than four hundred dollars nor more than eight hundred dollars based on the administrative costs of certification. The department shall establish a fee schedule for various categories of laboratories based upon the number and complexity of laboratory tests performed by laboratories in each category."; and in line 22 strike "this act" and insert "the Clinical Laboratories Certification Act";

t. On page 22, line 4, strike "this" and insert "the"; and in line 5 strike "This" and insert "Sections 29 and 30 of this act shall become operative on their effective date. The other sections of this"; and

u. Renumber the remaining sections accordingly.

2. In the E & R amendments, AM7131:

a. Strike amendments 1.a., j., and l. and reletter the remaining amendments accordingly; and

b. On page 2, lines 10 and 17, strike “15” and insert “16”.

Mr. Hannibal asked unanimous consent to print the following amendment to LB 220 in the Journal. No objections. So ordered.

AM3050

(Amendments to Final Reading copy)

1. Insert the following new sections:

“Section 1. The Legislature finds and declares that intensive supervision probation programs are an effective and desirable alternative to imprisonment. It is the Legislature’s intent to encourage the establishment of programs for the intensive supervision of selected probationers. It is further the intent of the Legislature that such programs be formulated to protect the safety and welfare of the public in the community where the programs are operating and throughout the State of Nebraska.

Sec. 2. Selected offenders in intensive supervision probation programs shall receive the highest level of supervision that is provided to probationers. Such programs may include, but shall not be limited to, highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, drug and alcohol screening, treatment referrals and monitoring, and restitution and community service. Selected offenders monitored by an electronic device or system shall be required to pay the cost of such a device or system if the offender has the financial ability. It is the intent of the Legislature that such programs shall minimize any risk to the public.

Sec. 3. The Supreme Court shall establish and enforce the standards and criteria for the administration of the intensive supervision probation programs.

Sec. 4. On December 31 and June 30 of each fiscal year, the administrator shall provide a report to the budget division of the Department of Administrative Services and the Legislative Fiscal Analyst which shall include, but not be limited to:

(1) The total number of felony cases supervised by the office in the previous six months for both regular and intensive supervision probation;

(2) The total number of misdemeanor cases supervised by the office in the previous six months for both regular and intensive supervision probation;

(3) The felony caseload per officer for both regular and intensive supervision probation on the last day of the reporting period; and

(4) The misdemeanor caseload per officer for both regular and intensive supervision probation on the last day of the reporting period.

Sec. 7. (1) Whenever the court considers the sentence for an offender convicted of any crime for which a term of imprisonment of six months or more is possible and mandatory minimum imprisonment is not specifically required, the court may withhold the sentence of imprisonment and sentence the offender to intensive supervision probation. The decision whether to sentence an offender to intensive supervision probation shall be guided by the criteria for withholding a sentence of imprisonment as set forth in subsection (2) of this section and subsections (2) and (3) of section 29-2260.

(2) Intensive supervision probation shall be governed by the laws governing probation except as required by specific provisions of this section and sections 1 to 4 of this act.".

2. On page 1, line 3, after the semicolon insert "to state intent; to provide for an intensive supervision probation program; to provide powers and duties for the Supreme Court and the Probation Administrator;".

3. On page 3, line 19, after "intensive" insert "supervision".

4. On page 5, strike beginning with "blood" in line 21 through "tests" in line 22, show as stricken, and insert "tests to determine the presence of drugs or alcohol".

5. On page 6, line 22, strike "section 2" and insert "sections 1 to 4, 6, and 7".

6. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

I request that the question of the committee amendments for LB 1055, AM2621, be divided pursuant to Rule 7, section 3(e) as follows:
A) Sections 1 and 2 that deal with racing.
B) Section 4 that deals with local bingo tax.
C) Section 3 and 5 that deal with the pickle card tax and the effect of the tax cut on the two state funds.
E&R can accommodate the effects on section 6, 7, and 8.

VISITORS

Visitors to the Chamber were 23 fourth grade students and teacher from Lincoln Christian, Lincoln; and six students and teacher from Schuyler.

ADJOURNMENT

At 5:02 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 20, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 20, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Jerry David, Church on the Rock, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Conway, Haberman, Hall, Hannibal, L. Johnson, Lamb, Landis, Lynch, Schellpeper, Schmit, Warner, Wehrbein, Mmes. Langford, Nelson, Smith, Mses. Schimek, and Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1423, line 4, strike "specific".
The Journal for the Forty-Eighth Day was approved as corrected.

REPORT

Received minutes of the Board of Public Roads Classifications and Standards for February 16, 1990, from the Nebraska Department of Roads.

ANNOUNCEMENT

Speaker Barrett announced the Committee Chairpersons will meet on Wednesday morning, March 21, 1990 at 8:15 a.m. in Room 2102.

RESOLUTIONS

LEGISLATIVE RESOLUTION 312. Introduced by Hartnett, 45th District.

PURPOSE: In LB 767, introduced and passed in 1989, the Legislature substantially altered and rewrote Nebraska's County and City Lottery Act. The alterations included a redefinition of what constitutes a legal lottery, making keno a legitimate lottery game. Because of the nature of the keno game, some questions have arisen since passage of LB 767 as to whether or not there should be a limit on the number of locations within a single community at which a keno game can be conducted and whether or not there should be a single location rule for Nebraska. Because of the state of existing technology, there should also be an examination of whether or not keno games can be conducted at a single location and wagers places at satellite locations.

The goal of this study is to examine the technological options available for the conduct of a keno lottery and determine whether or not our statutes need to be revised to place further, additional restrictions on the conduct of such games, most particularly as to the appropriate number of locations from which players can involve themselves in a game within a single community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 313. Introduced by L. Johnson, 15th District; Abboud, 12th District.

PURPOSE: The purpose of this resolution is to determine the feasibility of creating a State Crime Stoppers Commission the primary responsibility of which would be to assist and develop local crime stopper programs throughout Nebraska. Several states, including, Texas, New Mexico, and Connecticut, currently have in place state commissions charged with the duty of creating, expanding, organizing, advertising, and generally assisting local crime stoppers programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 314. Introduced by Rogers, 41st District; Conway, 17th District; Smith, 33rd District; Hefner, 19th District.

PURPOSE: The purpose of this resolution is to authorize an interim study of the Community Services Block Grant Program as administered by the Department of Social Services and funded by the United States Department of Health and Human Services. The interim study shall specifically examine the allocation formula used by the Department of Social Services to distribute grant funds to the nine community action agencies from the Community Services Block Grant Program. Particular emphasis shall be given to the development and history of the current formula, all factors used in developing the formula, including poverty population and their weight, when the formula was last revised, changes in poverty population in Nebraska since 1980, location of legal authority and responsibility to change the formula, and obvious inequities in dollars per poor person as allocated among the nine agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 315. Introduced by Bernard-Stevens, 42nd District.

WHEREAS, there is a strong desire to maintain a drug-free and alcohol-free work force; and

WHEREAS, employee and employer drug testing, whether mandatory or voluntary, is a method of aiding the goal of maintaining a drug-free and alcohol-free work force; and

WHEREAS, there is strong sentiment that an employer should not have to pay unemployment compensation to an employee terminated because of a positive test result taken during the work period; and

WHEREAS, there is equally strong sentiment that any drug test which leads to termination of an individual should be done fairly and accurately; and

WHEREAS, a fair and accurate drug testing policy is in the best interests of the employer and the employee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature conduct an interim study to include, but not be limited to:

(a) An analysis of the federal and non-federal drug testing procedures being used in Nebraska;

(b) An analysis of the test results in regards to their accuracy and reliability;

(c) A reevaluation of the types of drugs tested for;

(d) A study of the relationship between the Nebraska's drug and alcohol statutes and federal drug and alcohol statutes;

(e) A review of payment of confirmation testing policies and existing labor and management negotiated contracts; and

(f) An analysis of drug and alcohol testing policies used for job applicants versus existing employees.

2. That by January 1, 1991, the committee shall make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 316. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District;

Hall, 7th District; Labedz, 5th District; Pirsch, 10th District; Smith, 33rd District.

PURPOSE: Nebraska has a long history of housing authority legislation stretching back to the first bill on the subject passed in 1937. Since the last major revision of our housing authority legislation in 1969, there has not been a major review of that law to determine how well it operates in a radically changed economic environment and a greatly altered federal legislative and regulatory scheme.

The Urban Affairs Committee considered three bills on the Nebraska Housing Authorities Law this session, LB 943, LB 944, and LB 945. All three bills dealt primarily with the relationship between housing authorities and the governing bodies of cities, most particularly in metropolitan-class cities, especially with regard to decisions on the location of low-income housing. While the committee advanced LB 944 to General File with committee amendments, the committee felt that it would be advisable to undertake an interim study of Nebraska's housing authorities and their enabling laws to determine if changes were appropriate to provide for better public accountability by the authorities and to determine the impact of changes in conditions over the past twenty years that might necessitate alterations in Nebraska's statutes.

The goal of the study shall be to review the existing statutory language and federal regulatory and case law and to provide a forum for the general public and municipal and housing authority officials to comment and provide additional information on the current problems facing Nebraska as it strives to provide housing for its low-income citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 317. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District;

Hall, 7th District; Labedz, 5th District; Pirsch, 10th District; Smith, 33rd District.

PURPOSE: In this and the prior session of this Ninety-first Legislature, the Urban Affairs Committee has considered two bills dealing with the Metropolitan Utilities District. The first, LB 125, was introduced on behalf of MUD to define and clarify its authority and jurisdiction. The second, LB 1093, was introduced to restrict the authority and jurisdiction of MUD. Neither bill was advanced from committee, but both raised serious questions about the statutory provisions governing MUD and their current meaning.

The committee decided that there was a need to review the current statutes with the goal of clarification in mind. MUD was created in 1921 by the Legislature. At that time, the Legislature granted MUD, en masse and without further explanation, the authority previously granted to metropolitan water districts in 1913. In addition, as the right to provide natural gas service was granted to MUD, the statutes merely stated that gas service was to be provided upon the same terms as water service, with equal authority. The radical changes that have taken place over the past few decades, both within the natural gas industry and in Nebraska's state and local governmental and economic environments, have created a need for the statutes to be reviewed, updated, and clarified.

The purpose of this study is to address the issues raised by LB 125 and LB 1093 within the context of a comprehensive review and clarification of the statutes authorizing the Metropolitan Utilities District.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 318. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Labedz, 5th District; Pirsch, 10th District; Smith, 33rd District.

PURPOSE: During the 1990 Legislative session, the Urban Affairs Committee was called upon to consider LB 1057, a bill which would have prohibited Nebraska municipalities from enacting zoning ordinances that would limit the location of manufactured homes. The bill provided that manufactured homes that otherwise were similar to site-built homes in the same area could not be prohibited from placement solely for the reason that they were manufactured homes.

While recognizing that there was merit to the proposal, in that it might well assist first-time home buyers and lower income families to become homeowners by providing reasonably priced housing, there was concern about the impact of the bill's passage upon existing building codes. Municipal officials expressed opposition to losing their basic authority to establish the codes which insure safe housing for their residents.

Because of the relative novelty of this proposal in Nebraska and the complexity of the issues involved, the committee believed that it would be appropriate to undertake a study of the manufactured housing industry and the current federal legislation which governs the construction of such housing to see how that relates to other generally recognized and used standard codes. Further, it was felt to be important to study how proposals of a similar nature have been dealt with in other states and the experience of communities in those states when such proposals have been adopted. Finally, there was, it was determined, a need to review the legal issues involved to find out if there was any justification for the contention that Nebraska might ultimately be legally bound to adopt a proposal of this type.

The goal of the study will be to respond to the issues raised by LB 1057 and to build a basic body of data to assist future legislatures in addressing the need for lower-cost housing and the impact of such housing upon Nebraska communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Labedz, 5th District; Pirsch, 10th District; Smith, 33rd District.

PURPOSE: One of the persistent concerns of the residents of any neighborhood in a community is the impact of a proposed change in zoning or use of a property in their vicinity. Coupled with the general concern is the suspicion that may be engendered by planning commission and council or board action to approve a zoning change when the neighboring residents have not received notice or been made aware of the proposed change. Current state law only provides for a legal notice in the community's newspaper, a notice which is often not seen or noted by the neighboring residents.

The Urban Affairs Committee considered LB 867 during the 1990 legislative session. The bill related to metropolitan-class cities and would have required notice by mail of a proposed zoning change to residents living in near proximity to the subject property. In attempting to address both city and resident concerns, the committee became aware of the complexity of the issues which are present beneath the seeming simplicity of the proposal.

While taking no action on LB 867, the committee determined that it would be appropriate to undertake a study of how municipalities across the state have addressed the zoning notice issue, to examine solutions to the problem, and to provide a forum for examination of possible solutions in which municipal officials and concerned citizens could express their ideas. The study would involve not only an examination of mailing notices but also of the wisdom of placing signs on the property to provide notice. In addition, it would examine whether it was more appropriate for the landowner seeking the zoning change or the municipality to be primarily responsible for providing the notice.

The goal of the study will be to craft a uniform zoning notice statute for all Nebraska cities and villages which will balance the public's right to notice of proposed zoning changes against the legitimate budgetary and staff limitations that face most of our municipalities which restrict their ability to provide the sorts of notice that might be desired at a reasonable cost to the taxpayer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Labedz, 5th District; Pirsch, 10th District; Smith, 33rd District.

PURPOSE: In 1987, the Urban Affairs Committee was called upon to consider the need for comprehensive legislation regarding municipal regulation of the natural gas industry. Using LB 663 as a foundation, through a series of negotiations between representatives of the natural gas industry and Nebraska municipalities, the committee crafted the Municipal Natural Gas Regulation Act, the state's first comprehensive legislation on natural gas regulation.

Nearly three years have passed since the act was adopted. There have been rate regulation proceedings under the act and a Supreme Court review of its provisions. This is an appropriate time to review the operation of the act to determine if it is working as intended and if changes are necessary. The act was unique in the country and a review would provide valuable insight into the effectiveness of local, municipal regulation of natural gas rates.

Such a study would not be complete without an examination of the current status of the natural gas industry both within and without the State of Nebraska. Changes in the economic and regulatory environment over the past few years have had, and will continue to have, major impacts on the rates charged to Nebraskans for natural gas. State statutes must respond to those changes to maintain fair and equitable rates and insure continued healthy competition between natural gas providers.

The goal of the study will be to review the operations of LB 633 over the past three years to determine its efficacy and to solicit comments from municipalities and members of the natural gas industry as to their experiences. Further, the study would endeavor to better understand the current status of the industry and the economic and regulatory parameters within which it operates, in order to propose legislative adjustments to the act to insure continued access to natural gas at competitive prices. The study would also be aimed at examining the industry within the state to determine if there is genuine competition among providers and what changes are necessary to insure that all providers operate on a level competitive playing field.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by Urban Affairs Committee: Hartnett, 45th District, Chairperson; Beck, 8th District; Hall, 7th District; Labedz, 5th District; Pirsch, 10th District; Smith, 33rd District.

PURPOSE: Of the several standing committees in the Legislature, the Urban Affairs Committee has perhaps the broadest and most diverse subject matter jurisdiction. The committee has traditionally had referenced to it bills with subject matters extending from cemeteries to museums to natural gas. Bills often arise from specific problems in municipalities in a manner which does not lend itself to early identification or classification as would be the case with other committees.

Recognizing this fact, the Urban Affairs Committee proposed an interim study in 1989 aimed at identifying specific problems prior to the start of the 1990 Legislative session so as to permit the committee to undertake a more careful review of proposed solutions before the session began. As a consequence of this study, the committee was able to review several proposed pieces of legislation prior to the session which enabled it to act more quickly on the legislation after the session began, without sacrificing careful analysis or review of the legislation.

The purpose of this study will be to renew the process used successfully under LR95 in 1989 and provide a forum during the interim for municipalities and their representatives to present issues which would be the subject of future legislation or to solicit their reaction to proposals which have been presented to the Urban Affairs Committee for consideration. The subjects to be considered would extend to any matter relevant to the committee's subject matter jurisdiction. It would be the goal of this study to determine whether such preliminary review of the issues could streamline the hearing process and permit an expedited review of urban-oriented legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 274. Read. Considered.

LR 274 was adopted with 22 ayes, 0 nays, and 27 not voting.

SELECT FILE

LEGISLATIVE BILL 1059. E & R amendment, AM7185, found in the Journal on page 1335 for the Forty-Fourth Day, was adopted.

Mrs. Labedz reoffered her amendment, AM2349, found in the Journal on page 605.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz withdrew her pending amendment.

Mr. Warner withdrew his pending amendments, (1) AM2474, (2) AM2803, and (3) AM2805, found in the Journal on pages 1188 and 1189.

Mr. Byars renewed his pending amendment, AM2847, found in the Journal on page 1198.

The Byars amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Withem asked unanimous consent to replace his pending amendment, AM2821, found in the Journal on page 1198, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his pending amendment, AM2821, found in the Journal on page 1198.

Mr. Withem offered the following substitute amendment:
AM3066

1. Strike the Hefner amendment, AM2385.

2. In the Withem amendment, AM2820, on page 2, line 1, after "Council" insert "and the representative of the State Department of Education, who shall be appointed by the State Board of Education".

3. In the Standing Committee amendments, AM2309, on page 1, lines 17 and 20, strike "operating".

4. On page 10, line 16, after the period insert "The Legislature shall annually appropriate an amount equal to the total income tax liability allowable to districts based on the certification of the Tax Commissioner provided pursuant to subsection (2) of this section."; and strike beginning with "an" in line 20 through "and" in line 22 and all amendments thereto.

5. On page 17, after line 11, insert the following new subsection:

"(10) In districts where more than seventy-five percent of the students enrolled reside on Indian land, as defined under regulations of the United States Department of Education in effect on the operative date of this section promulgated pursuant to Public Law 81-874, the tiered cost per student for each grade level, as calculated pursuant to subsections (5) through (8) of this section, shall be increased by a factor of twenty-five percent.".

6. On page 20, line 19, after "receipts" insert ", not including receipts from private foundations, individuals, associations, or charitable organizations".

7. On page 21, line 8, strike "and"; and in line 10 after "receipts" insert "; and

(18) All receipts pursuant to Chapter 79, article 34.".

8. On page 22, line 15, strike "operating".

9. On page 23, line 5, after the period insert "The department may verify any data used to meet the requirements of the Tax Equity and Educational Opportunities Support Act."; and in line 11, strike "For" and insert "Beginning with" and after "1990-91"

insert "and each school year thereafter"; and in line 12 strike ". The " and insert "and the".

10. On page 24, line 7, strike "fifty" and insert "twenty".

11. On page 26, line 14, after "that" insert "(1)"; and in line 18 after "percentage" insert "and (2) a district may increase such necessary cash reserves in excess of such two percent limitation due to projected increases in federal funds".

12. On page 27, line 1, after the period insert "For purposes of this subdivision, a final order of a court from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer shall be considered a new program required by state or federal law.".

13. On page 31, line 21, after the period insert "The committee shall study and make specific recommendations for harmonizing the provisions of the act with the provisions of LB 259, Ninety-first Legislature, Second Session, 1990, and the provisions of Chapter 79, article 34.".

14. On page 39, line 5, after "report" insert ", which report shall include the number of children from birth through twenty years of age enrolled in the district on the last Friday in September of a given school year. The report shall enumerate (a) resident students by grade level and nonresident students and option students as defined in section 79-3402 by grade level and classification, including, but not limited to, nonresident high school, option high school, wards of the court, or contract, (b) eligible children in gifted and deprived programs as approved and verified by the state, (c) children eligible to be transported by bus according to section 79-490, and (d) total assessed valuation for the current fiscal year".

15. On page 50, line 17, strike "and" and insert a comma and after the first comma insert "79-1380, and 79-1381,"; in line 18 strike the second "and" and insert a comma; and in line 19 after the first comma insert "79-1378, 79-1379, 79-1382, and 79-1383,".

The Withem amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 322. Introduced by Transportation Committee: Lamb, 43rd District, Chairperson; Beyer, 3rd District; Byars, 30th District; Goodrich, 20th District; Peterson, 21st District; Robak, 22nd District; Rogers, 41st District; Schellpeper, 18th District.

PURPOSE: The purpose of this resolution is to conduct a study of the requirements established by the United States Congress through the Truth in Mileage Act of 1986. The study shall include a review of sections 60-101 to 60-117 relating to certificates of title and an examination of the requirements mandated pursuant to federal law and regulations for certificates of title and other related documents for motor vehicles.

The study shall propose to the Legislature any needed changes in current provisions of law required to comply with the mandates of the Truth in Mileage Act of 1986.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to direct the Transportation Committee of the Legislature to conduct a study to determine whether the Legislature should authorize the officers of the carrier enforcement division of the Nebraska State Patrol to bear firearms in the performance of their official duties.

In conducting this study the committee shall seek the input and opinion of the general public, state and local law enforcement officials, the motor carrier industry, and other interested parties. The study shall include a review of and any recommended changes in the current statutory powers of the carrier enforcement division.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Transportation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Hefner, 19th District.

PURPOSE: The purpose of this resolution is to direct a committee of the Legislature to conduct a study on the feasibility of enacting a lid on property taxes levied by local governments, limiting total levies to two percent of valuation. This study shall include an analysis of (1) whether such a proposal would be best implemented in the Constitution of Nebraska or by statute and (2) the state aid which would be needed to make up any losses in revenue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Hartnett, 45th District; Lindsay, 9th District.

PURPOSE: Several of Nebraska's private higher educational institutions are involved in providing training and education for health care providers in the state. They have served as vital links in the delicate chain of health care services for Nebraska residents, both urban and rural. At this time of great concern about the cost and availability of health care in the state, it is important to examine the role of these private institutions and determine how such role relates to the current programs undertaken by state institutions and how the various programs interrelate.

The goal of this study shall be to evaluate the programs currently offered by private institutions for health care provider education, determine the role of the programs in the total scheme of health care in Nebraska, examine the needs and costs involved in such programs, determine if there are any cooperative efforts with state institutions which can or should be undertaken to avoid program duplication and unnecessary state costs, and evaluate the success of such potential joint, cooperative programs in better utilizing financial resources and providing for Nebraskans health care needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 326. Introduced by L. Johnson, 15th District; Wehrbein, 2nd District; Conway, 17th District; Kristensen, 37th District.

PURPOSE: The purpose of this resolution is to conduct an interim study on the establishment of a collegiate license plate program which would permit a Nebraska motor vehicle owner to obtain for a fee from the Department of Motor Vehicles a license plate bearing the logo of a Nebraska university or college. Several states already have programs in existence to produce collegiate license plates, and the State of Florida, in particular, has shown great success in generating additional revenue from the fees collected for collegiate plates for a school's academic enhancement endeavors. The study shall include, but not be limited to, an analysis of the following:

1. A review of the availability and utilization of collegiate plates in other states;
2. The minimum number of collegiate plate requests that must be received to offset the production costs associated with designing and producing collegiate plates for a particular state college or university;
3. An estimation of the cost of designing and producing collegiate plates with a recommendation on the fee to be charged for the plates;

4. The disposition of the funds generated from requests for collegiate plates; and

5. A projection of demand and expected revenue if Nebraska offers collegiate plates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Transportation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 327. Introduced by Ashford, 6th District.

PURPOSE: The purpose of this resolution is to examine the effectiveness of implementing value engineering in Nebraska. The study shall include a determination of whether capital construction projects which have a projected cost of five hundred thousand dollars or more and which will require the expenditure of state funds should be reviewed by the department or agency of the state requesting the project and the architect and engineer to whom the project has been assigned. which review would include an analysis of the proposed design of the structure, the materials to be used, and the cost-effectiveness of the materials and design. The study shall examine the cost-containment and quality management procedures presently employed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328. Introduced by Wehrbein, 2nd District; Morrissey, 1st District.

PURPOSE: The purpose of this resolution is to conduct an interim study on current and potential rail passenger service in Nebraska. The study should specifically analyze a recently completed AMTRAK report on operating a Kansas City to Omaha extension of rail passenger service and also examine the feasibility and need for the service. This extension has received considerable public support, would be economically beneficial to large areas of Nebraska, would access southeastern AMTRAK routes, and is made feasible with track already in place by the Burlington Northern and Union Pacific Railroads. With the continuing uncertainty of federal financial support for AMTRAK, the study should address the steps necessary to secure and maintain the additional service from Kansas City to Omaha with stops along the proposed route. The study should involve input from representatives of the United States Department of Transportation, AMTRAK, Nebraska's elected federal representatives, and officials and citizens from interested local governments and organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee consisting of members from the Appropriations Committee and the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 329. Introduced by Hall, 7th District; Haberman, 44th District.

PURPOSE: The purpose of this resolution is to study indepth the collection of tax on leased vehicles and the reporting of the collection of such tax. Since the collection or noncollection of taxes in this area has an effect on tax receipts and create advantages for those involved, this study shall include, but not be limited to, (1) the collection of taxes by instate and outstate companies, (2) the reporting of taxes by instate and outstate companies, and (3) the impact of such collection and noncollection of taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 330. Introduced by Schellpeper, 18th District; Lindsay, 9th District; Scofield, 49th District.

PURPOSE: There are many problems related to child support and visitation in this state. Although progress has been made in dealing with these issues, problems with child support and visitation continue to affect many children and their families in the State of Nebraska. Such problems include, but are not limited to, the following:

1. Noncustodial parents failing to pay court-ordered child support;
2. Delays in child support enforcement;
3. Difficulties in modifying child support orders when the noncustodial parent lacks sufficient means to pay; and
4. Noncustodial parents being denied visitation with their children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to examine issues relating to child support and visitation and to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1241. Placed on Select File as amended.
E & R amendment to LB 1241:

AM7195

1. In the Standing Committee amendments, AM2501, page 11, lines 19 and 22, strike "other" and insert "existing"; and in line 24 after "professional" insert "person".

2. On page 1, line 4, strike "and" and after the second comma insert "and 77-3806,"; in line 5 strike "and"; in line 6 after "1989" insert ", and Laws 1989, LB 813, section 71"; in line 8 after "Authority" insert "and certain existing corporations"; in line 12 after the semicolon insert "to change provisions relating to use of a fund; to provide for a board of directors and terms for such directors; to increase appropriations for the authority for FY1990-91;"; in line 13 strike "and" and insert "to provide an operative date" and in line 14 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 931. Placed on Select File as amended.
E & R amendment to LB 931:
AM7197

1. In the Standing Committee amendments, AM2642, on page 1, line 9, strike "any" and show as stricken.

2. On page 1, line 1, after "sections" insert "16-305, 17-108.02, 19-613,"; in line 2 strike "and" and insert a comma and before "Reissue" insert "and 70-624.04,"; in line 3 strike "prohibit" and insert "permit"; in line 4 strike "an" and insert "certain" and strike "office from" and insert "offices"; in line 5 strike "serving" and insert "to serve"; and in line 6 after the first semicolon insert "to provide exceptions;".

3. On page 2, line 10, after the comma insert "except an elective office filled at an election held in conjunction with the annual meeting of a public body,".

(Signed) John C. Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LR 11CA in the Journal. No objections. So ordered.

AM3068

1. On page 3, line 10, strike "sums of money" and insert "funds"; and in line 14 after the underscored period insert "For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.".

SELECT FILE

LEGISLATIVE BILL 1059. Mr. McFarland withdrew his pending amendment, AM2792, found in the Journal on page 1221.

Mr. Warner renewed his pending amendment, AM2872, found in the Journal on page 1249.

Mr. Hall requested a record vote on the Warner amendment.

Voting in the affirmative, 18:

Ashford
Beyer
Crosby
Elmer
Hall
Hannibal
Hartnett
Lamb
Landis
Langford
McFarland
Morrissey
Peterson
Robak
Schmit
Warner
Wehrbein
Weihing

Voting in the negative, 22:

Barrett
Beck
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Dierks
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lindsay
Moore
Nelson
Pirsch
Schellpeper
Schimek
Scofield
Smith
Withem

Present and not voting, 7:

Baack
Chambers
Goodrich
Haberman
Korshoj
Rogers
Wesely

Excused and not voting, 2:

Abboud
Lynch

The Warner amendment lost with 18 ayes, 22 nays, 7 present and not voting, and 2 excused and not voting.

Mr. McFarland renewed his pending amendment (1), AM2897, found in the Journal on page 1287.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. McFarland requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Chambers
Chizek
Hall
Johnson, R.
Korshoj
Labedz
Landis
Lindsay
McFarland
Morrissey
Nelson
Robak
Rogers
Schimek
Schmit
Scofield
Smith
Warner
Wesely

Voting in the negative, 21:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb
Langford
Pirsch
Wehrbein
Weihing

Present and not voting, 5:

Dierks
Hartnett
Peterson
Schellpeper
Withem

Absent and not voting, 2:

Bernard-Stevens
Moore

Excused and not voting, 2:

Conway
Lynch

The McFarland amendment lost with 19 ayes, 21 nays, 5 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

PRESIDENT NICHOL PRESIDING

Mrs. Smith renewed her pending amendment, AM2952, found in the Journal on page 1303.

Messrs. Rogers, Morrissey, Korshoj, and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Smith moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 17:

Ashford
Beck
Beyer
Chizek
Coordsen
Dierks
Elmer
Goodrich
Haberman
Johnson, R.
Kristensen
Lindsay
Pirsch
Schellpeper
Smith
Weihing
Wesely

Voting in the negative, 20:

Abboud
Barrett
Bernard-Stevens
Byars
Crosby
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Lamb
Landis
Moore
Nelson
Schimek
Schmit
Scofield
Warner
Wehrbein
Withem

Present and not voting, 6:

Baack
Chambers
Conway
Langford
McFarland
Robak

Excused and not voting, 6:

Korshoj Lynch Morrissey Peterson Rogers
Labedz

The Smith amendment lost with 17 ayes, 20 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1186A. Introduced by R. Johnson, 34th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1186, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

AM3067

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-1616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1616. The tax list, or unit tax ledgers in counties that shall adopt or have adopted the use thereof, in their original compilation~~,~~ or the annual additions thereto, shall be completed and delivered to the county treasurer on or before the first day of November annually for personal property and ~~on or before the first day of December annually~~ for real property. At the same time the county assessor, or the county clerk in those counties having unit tax ledgers which are prepared by the county clerk, shall transmit a warrant~~, which warrant shall be~~ signed by the county assessor, or the county clerk in those counties having unit tax ledgers which are prepared by the county clerk, and shall in general terms command the treasurer to collect taxes therein mentioned according to law. No informality therein~~,~~ and no delay in the transmitting of the same after the time ~~above~~ specified~~,~~ in this section shall affect the validity of any taxes or sales~~,~~ or other proceedings for the collection of taxes as provided for in this chapter. Whenever it shall be discovered that the warrant provided for in this section was not at the proper time attached to any tax list~~,~~ or was not transmitted as herein provided for any preceding year or years, ~~in the hands of the county treasurer,~~ the county assessor, or the county clerk in those counties having unit tax ledgers which are prepared by the county clerk, shall forthwith attach or transmit such warrant, which shall be in the same form and have the same force and effect as if it had been attached to such tax list, or transmitted as herein provided, before the delivery thereof to the county treasurer.

Sec. 2. That section 77-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1701. (1) The county treasurer shall be ex officio county collector of all taxes levied within the county. The county board shall direct that a statement of the amount of taxes due and notice that special assessments are due~~,~~ be mailed or otherwise delivered to the last-known address of the person, firm, association, or corporation against whom such taxes or special assessments are assessed or to the lending institution or other party responsible for paying such taxes or special assessments. The statement and notice shall be sent prior to November 1 of each year. Failure to receive such statement or notice shall not relieve the taxpayer from any liability to pay such taxes or special assessments and any interest or penalties accrued thereon. In any county in which a city of the metropolitan class is located, all statements of taxes shall also include notice that special assessments for cutting weeds, removing litter, and demolishing buildings are due.

(2) Notice that special assessments are due shall not be required for special assessments levied by sanitary and improvement districts organized under

Chapter 31, article 7, except that such notice may be provided by the county at the discretion of the county board~~,~~ or by the sanitary and improvement district with the approval of the county board.

Sec. 3. That original sections 77-1616 and 77-1701, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 331. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to provide for a study of private and public training to identify resources that can be coordinated, opportunities for collaboration between the private and public training sectors, and problems presented to the people of the state in securing training or retraining.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature with staff assistance from the Legislative Research Division shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Withem, 14th District.

PURPOSE: To study potential benefits and costs for Nebraska to enter into a Midwest Higher Education Compact. Over the last two decades states in several areas of the nation have formed interstate compacts creating commissions which have fostered cooperation between postsecondary educational institutions in member states. Cooperative ventures have included reciprocal agreements for greater student access to degree programs at resident tuition rates and jointly operated professional schools and research programs, as well as numerous exchange programs. With the coming of age of telecommunications in higher education, there appears to be even greater potential for broadening education access for Nebraska students, citizens, and businesses. The purpose of this resolution is to establish a study group to more thoroughly examine the potential benefits and costs of entry into a Midwest Higher Education Compact and commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 333. Introduced by Chambers, 11th District.

PURPOSE: Interim Study to produce a comprehensive model of the criminal and juvenile justice systems in Nebraska.

WHEREAS, the State of Nebraska faces continuing problems with crime, including the associated prison overcrowding problems, the drain on the state coffers, and the enormous human and social costs to the victims, their friends and families, the families of the criminals, and the state in its entirety; and

WHEREAS, the Legislature in Legislative Resolution 222, Ninety-first Legislature, First Session, resolved to conduct a study of prison overcrowding, the study was conducted, and the study returned recommendations for the improvement of prison overcrowding but also returned several recommendations for further study of the criminal and juvenile justice systems in Nebraska; and

WHEREAS, the Legislative Research Division has undertaken a preliminary investigation of prison capacity in Nebraska which has described the inmate population in Nebraska and has indicated several areas requiring further study of the criminal and juvenile justice systems in Nebraska; and

WHEREAS, taken together, the recommendations of the prison overcrowding study and the prison capacity study make abundantly clear the futility of addressing the problems faced by the Nebraska criminal and juvenile justice systems by merely addressing the problems of the prisons; and

WHEREAS, a study to produce a comprehensive model of the criminal and juvenile justice systems in Nebraska appears to be the most efficacious method of finally addressing these problems; and

WHEREAS, the purpose of this resolution is to conduct an interim study to produce such a comprehensive model.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a comprehensive study of the criminal and juvenile justice systems in Nebraska shall be undertaken during the 1990 interim period.

2. That the Executive Board of the Legislative Council shall create a Select Interim Investigating Committee to conduct such study which shall be governed by the Model Committee Rules (Appendix "A" to Rule Three of the Rules of the Nebraska Unicameral Legislature, Ninety-first Legislature, Second Session).

3. That the committee shall endeavor to produce a model of the criminal and juvenile justice systems in Nebraska, including the factors which contribute to the commission of crime in Nebraska, which influence the reporting, investigation, prosecution, and resolution of crimes committed in Nebraska, which influence the apprehension, pretrial diversion, prosecution, and incarceration of criminals in Nebraska, which influence sentencing, probation, and parole, which produce appeals and their reversal and affirmation, which influence rehabilitation and recidivism in Nebraska, which influence and underlie the philosophical, theoretical, social, and political rationales of the criminal and juvenile justice systems in Nebraska, which influence and underlie the guiding principles of criminal and juvenile justice in Nebraska, which influence the costs and financing of the criminal and juvenile justice systems in Nebraska, and which influence the utilization of mental health and substance abuse services within the criminal and juvenile justice systems in Nebraska and such other factors, issues, and questions which may fairly be construed as constituting or directly influencing the criminal and juvenile justice systems in Nebraska.

4. That the committee shall gather data concerning the criminal and juvenile justice systems in Nebraska from state, county, and local police, the Attorney General of Nebraska, county attorneys, county and district courts, the Supreme Court of Nebraska, the offices of pretrial diversion, parole, probation, and pardons, the adult and juvenile correctional facilities throughout the state, service providers, and such other sources as may be fairly construed as constituting or

directly influencing the criminal and juvenile justice systems in Nebraska and shall make recommendations for facilitating the continuous future gathering of these data from these entities and for improving the quality of these data and maintaining this data base.

5. That the study shall additionally comprehend the issues remaining to be resolved from the select committee on prison overcrowding established by this Legislature in its first session, including the modeling of the implementation of that committee's recommendations, and comprehend the issues remaining from the preliminary findings of the Legislative Research Division's prison capacity study, which study shall be included in the final report pursuant to this resolution.

6. That the Executive Board of the Legislative Council shall allocate to this committee the remaining funds from the budget of the select committee on prison overcrowding established by this Legislature in its first session.

7. That the model produced by this study shall be as comprehensive as practicable, shall be so designed as to serve in the forecasting and prognostication of matters concerning the criminal and juvenile justice systems in Nebraska as set forth in paragraphs 3, 4, and 5 of this resolution, and shall be designed so as to serve in the development of better and more efficient, serviceable, and cost-effective procedures, facilities, operations, service delivery systems, and organization of the criminal and juvenile justice systems in Nebraska.

8. That the model shall be computerized and shall be designed, to the greatest extent practicable, so as to be easily utilized by the members of the Legislature as well as by other interested parties.

9. That the committee shall strongly consider obtaining the services of one or more persons or firms with nationally recognized expertise in the fields of criminal and juvenile justice to aid in carrying out the purposes of this resolution.

10. That the committee shall strongly consider pursuing outside funding to aid in carrying out the purposes of this resolution.

11. That the committee shall make timely reports to the Executive Board of the Legislative Council and to the Legislature as required by the Rules of the Nebraska Unicameral Legislature, Ninety-first Legislature, Second Session and as provided in Appendix "A" to Rule Three of those rules.

12. That the committee shall be chaired by a member of the Executive Board of the Legislative Council and shall be composed of no more than six additional members of the Legislature who shall be selected by the Executive Board of the Legislative Council.

13. That the staff for the committee shall be drawn from the Legislative Research Division and, as needed, from volunteer members of the staff of the Legislative Council and shall be coordinated by the Director of Research who may appoint necessary project directors.

14. That the committee shall, as needed, draw upon volunteers from the executive and judicial branches of government.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334. Introduced by Crosby, 29th District.

PURPOSE: The purpose of this resolution is to examine the feasibility of a public State Arts High School. As the cultural climates throughout many areas of Nebraska are developing at different rates and varying degrees of quality, the citizens of Nebraska need to develop an environment conducive to cultivating special artistic talents many young Nebraskans possess. The Legislature should research for possible options to develop a four-year state high school offering academic and artistic classes and training, including, but not limited to, the disciplines of dance, music, theater, and the visual arts, and thereby make a determination whether such a high school is a realistic and desired public educational institution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature, with the help of the State Department of Education, shall be designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall receive staff support from the Clerk of the Legislature's office.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335. Introduced by Hall, 7th District; Landis, 46th District; Haberman, 44th District; Labedz, 5th District; Hefner, 19th District.

PURPOSE: (1) The purpose of this resolution is to study the effect of state taxation on federal pensions and capital gains benefits. The study shall include, but not be limited to: (a) Study on federal action and impact on Nebraska law; (b) accessibility and understanding by the general public on Nebraska law; and (c) consideration of what other states are doing in reference to these two areas.

(2) Because it has been the subject of much Legislation in past sessions, the purpose of this study is to look indepth at the taxation of charitable gaming in Nebraska. The study shall include, but not be limited to, taxes collected on (a) bingo, (b) pickle cards, and (c) city or county lotteries. Also included in the study shall be an attempt to address the expenditures of such taxes and the uniformity of the taxes. Parimutual wagering shall also be included in the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 336. Introduced by Hall, 7th District.

PURPOSE: The purpose of this resolution is to lay the groundwork for the repeal of the property tax on personal property other than motor vehicles. The revenue lost by such repeal shall be replaced by a state aid program financed by the expansion of the sales tax base to include some services and a corporate income tax increase.

During the past year, the courts have determined that our personal property tax system is unfair and unconstitutionally discriminatory due to the large-scale and arbitrary exemptions to the imposition of the tax. It has become apparent over recent months that the only workable solution is to repeal the property tax on all personal property other than motor vehicles. It has also been established that expanding the sales tax to include some services is the least objectionable method of raising large amounts of revenue and that the corporate income tax is underutilized in Nebraska. The study will attempt to resolve three fundamental issues:

(l) What is an appropriate definition of real property, vis-a-vis personal property, and how much revenue would be lost to local subdivisions if all personal property other than motor vehicles were exempt from property taxation;

(2) How much expansion in the services sales tax base and how large a corporate income tax increase will be necessary to replace the revenue lost; and

(3) How additional state funds shall be distributed to political subdivisions in the most fair and equitable way.

Hearings shall be held to allow public input into the details of this solution and to determine the fairest possible way to implement the change. The hearings shall include participation by the widest possible array of interests.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 337. Introduced by Hall, 7th District.

PURPOSE: The purpose of this study is to examine the inheritance tax and the state estate tax. The study should examine the structure and rates of the taxes, the impact of the taxes on the state and its political subdivisions, and the fairness of the taxes on persons paying them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338. Introduced by Goodrich, 20th District.

PURPOSE: The purpose of this resolution is to examine the need for a regional center to be established in Omaha. The Department of Public Institutions currently operates regional centers in Lincoln, Hastings, and Norfolk. The study should examine whether current needs are being met.

If it is determined a new center should be established, a recommendation should be made regarding the most efficient way of establishing a new center.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339. Introduced by Wesely, 26th District.

PURPOSE: The State of Nebraska needs to evaluate and develop economic development policies and programs on an ongoing and comprehensive basis to assist businesses and communities throughout the state. Economic development programs and initiatives need to be studied in areas including, but not limited to, (1) the formation of private venture capital in Nebraska, (2) the authorization for the Nebraska Investment Council to invest in venture capital, (3) assistance to new and existing small businesses in Nebraska, (4) community development programs and assistance, (5) investment in research and development, and (6) the development of a comprehensive foreign trade assistance program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 340. Introduced by Hall, 7th District.

PURPOSE: As counties in the State of Nebraska are already facing limitations on their budgets and the State of Nebraska faces a constitutional amendment which would prevent the growth of local and state expenditures and several bills which have sought to establish such limits on the state and political subdivisions, the purpose of this resolution is to study the effects of implementing a limitation on budgets. The study shall include, but not be limited to, the whole scope of areas which may have some bearing on limitations of governmental divisions.

The purpose of this resolution is also to study the possibility and feasibility of allowing real estate owners to make tax payments in monthly installments as proposed in Legislative Bill 1036, Ninety-first Legislature, Second Session, 1990. The study shall include, but not be limited to, (1) the ability of county assessors to comply with such policy, (2) the cost of implementing the program, (3) benefits and problems in implementing such program, and (4) how other states handle such programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 341. Introduced by Wesely, 26th District; Schimek, 27th District.

PURPOSE: The cost of running for state offices has risen greatly and qualified candidates are excluded from running for such offices as a result of the rising costs.

The purpose of this resolution is to study the current methods of campaign financing and campaign spending in Nebraska and to examine various methods of limiting both spending levels and contribution levels in state office elections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 342. Introduced by Wesely, 26th District; Chambers, 11th District; Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to study state trapping laws and the use of steel jaw and snare traps in Nebraska. The use of steel jaw and snare traps causes unnecessary pain and suffering to the victims. Oftentimes the victims of these traps are animals that were not intended to be trapped. Other types of traps, such as the box trap, can be used effectively without causing excruciating pain to and unnecessary suffering by animals that are intentionally and unintentionally trapped in Nebraska.

The study shall examine various changes to state statutes to restrict the use of steel jaw and snare traps and reduce the incidents of unnecessary pain and suffering by animals trapped in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 274.

VISITORS

Visitors to the Chamber were Gerald Larson from Seward and Senator Moore's parents, Dale and June Moore from Stromsburg; 100 fourth grade students and teachers from Crete Public School; Joni Gustafson from Hastings; Mr. and Mrs. Jerry Busboom from Beatrice; 15 Boy Scouts from the Cornhusker Council, Lincoln; and Mike Hannon from O'Neill.

RECESS

At 12:21 p.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford. McFarland, Rogers, Schmit, Mrs. Pirsch, and Ms. Schimek who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1059. Mr. Hall asked unanimous consent to replace his pending amendment, AM2949, found in the Journal on page 1303, with a substitute amendment. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM2949, found in the Journal on page 1303.

Mr. Hall renewed his substitute amendment (2), AM2845, found in the Journal on page 1179.

The Hall amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Hall renewed his pending amendment, AM2749, printed separately from the Journal and referred to on page 1362.

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 6:

Elmer
Hall
Landis
Lynch
Nelson
Smith

Voting in the negative, 24:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Langford
Moore
Pirsch
Schellpeper
Warner
Wehrbein

Present and not voting, 14:

Beyer
Chambers
Dierks
Hannibal
Hartnett
Lamb
Lindsay
Morrissey
Peterson
Robak
Scofield
Weihing
Wesely
Withem

Excused and not voting, 5:

Ashford
McFarland
Rogers
Schimek
Schmit

The Hall amendment lost with 6 ayes, 24 nays, 14 present and not voting, and 5 excused and not voting.

Messrs. Lynch and Chizek asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner withdrew his pending amendment, AM3030, found in the Journal on page 1390.

Mr. Withem withdrew his pending amendment, AM3001, found in the Journal on page 1373.

Messrs. Baack and Kristensen offered the following amendment:
AM3062

1. In the Standing Committee amendment, AM2309, on page 3, line 5, strike "subsection (2)" and insert "subsections (2) and (3)"; strike beginning with "the" in line 10 through "1989-90" in line 23 and insert "one hundred percent of the amount of aid received

pursuant to the School Foundation and Equalization Act for school year 1989-90"; and in line 23 after the first period insert the following new subsection:

"(3) No district shall receive state aid in an amount which would result in such district having a general fund tax levy of less than sixty percent of the local effort rate as computed pursuant to section 8 of this act. The calculation shall be based on valuation, state aid, and levy data from the current school year.".

2. On page 22, line 18, strike "a"; and in line 19 strike "rate" and insert "rates".

3. On page 23, strike beginning with "general" in line 9 through line 10 and insert "expenditures for special education from other general fund expenditures."; in line 12 after "rate" insert "for general fund expenditures other than expenditures for special education"; and in line 14 after the period insert "The basic allowable growth rate for budgeted general fund expenditures for special education shall be the average of each district's growth in actual expenditures for special education for the most recently available two-year period.".

4. On page 28, after line 21, insert a new subsection as follows:

"(4) A district demonstrates to the satisfaction of the state board that additional special education students will enroll in the district for the ensuing school year and will result in an increase in budgeted general fund expenditures for special education. The department shall determine the district's allowable growth rate for special education expenditures based on projected additional special education costs to the district.".

5. On page 31, line 20, after the second comma insert "the need for a continuing hold-harmless provision for state aid,".

The Baack-Kristensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Hall withdrew his pending amendment (1), AM2855, found in the Journal on page 1179.

Mr. Warner withdrew his pending amendment (4), AM2475, found in the Journal on page 1192.

Mr. Landis offered the following amendment:
AM3105

1. On page 27, line 23, after the period insert "When a projected increase in formula students will result in the opening of new classroom facilities, the number of projected formula students shall be multiplied by a factor of one and three-tenths prior to making the calculation described in the preceding sentence.".

The Landis amendment lost with 13 ayes, 16 nays, 17 present and not voting, and 3 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 343. Introduced by Lynch, 13th District.

PURPOSE: The purpose of this resolution is to study the rules of the Legislature. Because the rules are essential to ensuring that the Legislature is conducted in a smooth and orderly fashion, the Legislature needs to study its present rules for inadequacies and omissions. The study shall include, but not be limited to, the following issues:

(1) The appropriations process;
(2) The priority bill system; and
(3) Any other issues the committee deems necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 344. Introduced by Beyer, 3rd District; Peterson, 21st District; Hefner, 19th District.

PURPOSE: The purpose of this resolution is to propose an interim study on landfills in the State of Nebraska because the state's laws are some of the weakest in the nation. Such study should address:

(1) Procedures on selection of location and site;

(2) Regional Solid Waste Management, Title 132, Chapter 2, and regionalization concepts;

(3) Exemptions for cities of the second class and villages;

(4) Needs of smaller communities;

(5) Financial assistance on post-closure costs;

(6) Ability of currently licensed sites to meet criteria outlined and how to upgrade such facilities;

(7) Adoption of a State Solid Waste Management Plan to give state direction in solid waste planning;

(8) The problem of out-of-state refuse coming into Nebraska;

(9) Protection of the state's water quality; and

(10) What can be disposed of in landfills.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 345. Introduced by Scofield, 49th District; Nelson, 35th District; Coordsen, 32nd District.

PURPOSE: The purpose of this resolution is to examine state-supported residential services for children. Residential care is an important element is an important element of a comprehensive continuum of services for children and families. Residential care, however, is one of the most expensive services that a child can receive often costing between $2,500 to $4,000 monthly per child. In accordance with the family policy objectives established by the Legislature in 1987 and codified at sections 43-532 to 43-534, community-based services for children should be established with residential care available to children with highly specialized needs.

This study is intended to follow up on the work of the Select Committee on Children and Families in 1989 which reviewed the characteristics of those juveniles housed at the youth development centers operated by the Department of Correctional Services. The study will examine the characteristics of children placed at the Nebraska Center for Children and Youth, including Whitehall, operated by the Department of Social Services and the Adolescent Care Unit, including Morton School, operated by the Department of Public Institutions. The study will further include, but not be limited to, an examination of short-term and long-term plans for the programs and facilities, the services provided as a part of the programs, the number of children receiving services, and the cost of operating the programs and facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Select Committee on Children and Families of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Legislative Research Division and the Public Counsel's Office shall be directed to assist the committee in carrying out the purposes of this study.
3. That the Department of Social Services, the Department of Public Institutions, and the State Department of Education shall cooperate and assist the committee, the Legislative Research Division, and the Public Counsel's Office in carrying out the purposes of this resolution.
4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 346. Introduced by Scofield, 49th District; Coordsen, 32nd District.

PURPOSE: The state has a number of children and families whose needs require the services of multiple state agencies and program providers. Community representatives who are knowledgeable about effective interventions, such as members of the nine Family Preservation Teams supported by the Department of Social Services, the twenty-eight Early Childhood Special Education Planning Regions facilitated by the State Department of Education, the five Youth Mental health Specialists funded through the Department of

Public Institutions, and the seventy citizens who participated in the Governor's Summit on Children and Families, have called for clear-cut assignment of roles and responsibilities of the appropriate state agencies.

The state has agreed to prepare and implement plans to develop a comprehensive system of early intervention services for handicapped infants and toddlers under Part H of the Education of All Handicapped Children Act, Public Law 99-457. It has prepared a plan of children's mental health services as required by Public Law 99-660 and has developed certain programs and agency capabilities through the Children and Adolescent System of Services Program grant funded by the National Institute of Mental Health.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Select Committee on Children and Families of the Legislature shall be designated to conduct an interim study to review the plans that have been developed that affect children and families.
2. That the committee direct the appropriate agencies to prepare estimates of the scope and costs of full and adequate services for each of the targeted populations and obtain broad public input concerning the validity of such projections.
3. That the committee explore alternatives for assuring the stability of any assignments of responsibility and interagency agreements which may be proposed in the plans presented.
4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 347. Introduced by Scofield, 49th District; Withem, 14th District.

PURPOSE: The State of Nebraska has agreed to plan for the implementation of Part H of Public Law 99-457 which assists states in developing a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for handicapped infants and toddlers and their families. The State Department of Education as lead agency appointed by the Governor has contracted for a study of Nebraska's current and possible expanded participation in providing early intervention services. Such study when completed will identify and analyze existing and potential funding resources, design service delivery system models, and develop a detailed plan for financing the proposed delivery system. The assignment of roles and responsibilities to Nebraska's human-service agencies has been an issue of long-term interest to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature and the Select Committee on Children and Families of the Legislature shall be directed to carry out the purposes of this resolution by reviewing the study upon its completion and the resulting recommendations.
2. That the committees communicate with the Governor and appropriate agencies to determine the feasibility of the recommended financing plans.
3. That the committees conduct interviews and hearings as appropriate to determine if legislation needs to be prepared and introduced in order to provide an adequate array of early intervention services.
4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 348. Introduced by Smith, 33rd District; Schimek, 27th District.

PURPOSE: The New Seeds for Nebraska has created a Statewide Unity Task Force to promote the teaching of Nebraska history and culture. Because there is a need to increase the awareness in the state's heritage, a study of the present status of Nebraska history instruction is needed before recommendations for improvements can be made. The Legislature should study all aspects of Nebraska history instruction in order to ascertain whether improvements can be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 349. Introduced by Smith, 33rd District.

PURPOSE: The purpose of this interim study resolution is to:

(1) Establish a study of the cost and effectiveness of the Reimbursable Motorcycle Safety Education Program;

(2) Review the quality of such program;

(3) Examine the availability of instructors;

(4) Examine the number of motorcycle riders reached by the program;

(5) Determine the distribution of such programs in the state;

(6) Determine the impact the program has had on the safety of motorcycle riding in Nebraska; and

(7) Propose appropriate legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall call upon the resources of the Public Counsel and the Director of Research of the Legislature for assistance in conducting the study.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 350. Introduced by Smith, 33rd District.

PURPOSE: In 1987, twenty-three local offices of the Department of Social Services were closed as part of a cost-cutting measure. Along with the closings, thirty-three positions in the same areas of the state were eliminated.

The purpose of this resolution is to systematically study the impact of the closing of the twenty-three local offices. The study will examine the amount and extent of any cost-savings to the state from the closings, if there was in fact a cost savings, the impact of the closed offices on the delivery of services to the clients in those areas, the impact on the responsiveness of the Department of Social Services to emergency situations in the areas affected by the closings, the impact on other Social Services staff who still provide services to the affected areas, including effects caused by drive-time and caseload size, and the effects the closings had on other agencies, including the courts, local law enforcement, and other local human service delivery agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 351. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to consider updating and rewriting Nebraska's insurance statutes, including the provisions of Chapter 44, article 3, governing investment by insurance companies of their funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the Department of Insurance, to carry out the purposes of this resolution. The committee should solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 352. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to consider enactment of the National Association of Insurance Commissioners Model Consolidated Casualty, Surety, and Fire and Inland Marine

Insurance Rate Regulatory Act in place of the rates and rating organizations provisions of Chapter 44, article 14.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the Department of Insurance, to carry out the purposes of this resolution. The committee should solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to consider enactment of the latest version of the National Association of Insurance Commissioners Model Unfair Trade Practices Act to improve Nebraska's current unfair competition and trade practices statutes in Chapter 44, article 15.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the Department of Insurance, to carry out the purposes of this resolution. The committee should solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 354. Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to examine possible improvements to the Nebraska Title Insurance Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the Department of Insurance, to carry out the purposes of this resolution. The committee should solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 355. Introduced by Landis, 46th District.

PURPOSE: The purposes of this study are to (1) examine provisions of the Securities Act of Nebraska which establish fees for (a) registration of securities and (b) initial and renewal registration for broker-dealers, issuer-dealers, investment advisers, and agents and (2) consider whether possible adjustments in these registration fees would be appropriate, particularly in light of the impact any such adjustments would have on total fee collections by the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study, in cooperation with Department of Banking and Finance, to carry out the purposes of this resolution. The committee should solicit the input of interested persons and groups as it deems necessary and beneficial to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 356. Introduced by Smith, 33rd District.

PURPOSE: The purpose of this resolution is to conduct an interim study of the policies and procedures utilized by the Department of Social Services to establish unit-of-service contracts and contract rates with area agencies on aging service programs. The study shall determine whether the contracting procedures are appropriate and adequate to assure quality care as well as coordination of services and resources for the persons served by such agencies.

The study shall include, but not be limited to, the following issues:

(1) Identifying the services provided to the aged population by both the area agencies on aging and the Department of Social Services;

(2) Identifying and studying the direct and indirect costs involved in providing the identified services directly and through agency contracts by the Department of Social Services;

(3) Identifying and studying the area agency on aging costs involved in providing the identified services with and without service contracts with the Department of Social Services;

(4) Studying the policies and procedures used by the Department of Social Services to establish the scope and rates for service provision contracts with the area agency on aging service program;

(5) Studying the extent of joint planning efforts and the interagency information sharing for the services;

(6) Studying the potential impact on the area agency on aging services for client services not supported by the Department of Social Services, if the department were to pay full area agency on aging cost for contracted services; and

(7) Holding a public hearing to receive input from area agency on aging providers on the impact of current contract policies for services provided through Department of Social Services contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special committee of the Legislature consisting of five members of the Legislature, one who will chair the study, one representative of the Department on Aging, two representatives of the Department of Social Services, and two representatives from the Area Agencies on Aging shall be appointed by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by December 1, 1990.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357. Introduced by Crosby, 29th District.

PURPOSE: The purpose of this resolution is to examine the appointment and confirmation process used by the Governor and the Legislature in appointing members to state agencies, boards, commissions, and committees and similar entities. The Governor's authority to appoint and the Legislature's power to confirm are derived from both the Nebraska Constitution and statutes. The large number of appointments to be made can make it difficult for the Governor to locate qualified individuals willing to serve. The large number also makes it difficult for members of the Legislature to become familiar with the qualifications of the appointees. A lot of time is spent on this process and the Legislature should review the process to see if improvements can be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Wesely, 26th District; Morrissey, 1st District.

PURPOSE: The purpose of this resolution is to study the size, makeup, and function of the Environmental Control Council. Currently, the council consists of sixteen members, each of whom is by statute appointed to represent a specific interest. However, none of those specific interests, nor the council's present membership, includes representation of any established environmental organization. On the evidence of published survey results, Nebraskans have less than full confidence in the Department of Environmental Control to protect the state's environment and population from harmful pollutants and hazardous substances.

Recognizing these facts, it is proposed that a study be undertaken to review the council's present makeup and to devise a revised membership and representation process which will offer a more appropriate balance of industrial, agricultural, conservation, and environmental interests. The study should also review the function of the council in an effort to determine whether it is effective in its prescribed role of providing both public input and oversight of the activities of the Department of Environmental Control and suggest, as appropriate, changes in function which may serve to increase its effectiveness.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359. Introduced by Baack, 47th District.

PURPOSE: The purpose of this resolution is to study the regulation of pooled labor markets in Nebraska. Rising health care costs, in many instances, are directly attributable to spiraling personnel expenditures. The utilization of pooled labor resources may be a contributing factor to these increased costs. In addition, the issue of quality health care is one which concerns all of us. The necessity to insure that pooled labor markets provide quality health care to those who rely upon such markets is essential to maintain the integrity of our health care delivery system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the feasibility of establishing a liaison to represent the State of Nebraska on federal issues and policies that impact our state. Since the 1990 farm bill and many other federal policies have a great impact on Nebraska, there is the need to have a liaison between the State of Nebraska and the Congress and federal agencies to represent the interests of the citizens of Nebraska. The purpose of this resolution is to examine the options available in establishing a liaison between the state and the federal government including establishing a state office in Washington, D.C.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Intergovernmental Cooperation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 361. Introduced by Wesely, 26th District; Labedz, 5th District.

PURPOSE: The purpose of this resolution is to study how the State of Nebraska can encourage and develop economic, cultural, and educational ties with Eastern Europe. Recent events in Eastern Europe have provided new opportunities for Nebraska and the United States to develop economic, cultural, and educational relations with countries in Eastern Europe that will be mutually beneficial. Nebraska should take advantage of this change in Eastern Europe and identify and examine opportunities to build better relations with this area of the world from which many Nebraskans' ancestors originated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362. Introduced by Smith, 33rd District; Beck, 8th District; Hefner, 19th District.

PURPOSE: The purpose of this resolution is to provide for a systematic and comprehensive study of degradability, source reduction, recycling and reuse, waste-to-energy through safe incineration, and landfilling, their impact on the solid waste stream, and the environment.

The environmental impact of solid waste disposal has become an issue of concern at the state, national, and international levels, and the citizens of Nebraska are becoming increasingly aware of the environment and the need to take protective steps to ensure that our land, air, and water resources are protected and wisely managed. In order to formulate the basis for environmentally sound policy, the need for additional information in the area of solid waste management is evident and must be compiled in a form that the Legislature can utilize as policy decisions are formulated.

The study shall include, but not be limited to, a review of:

(1) Laws, rules, and regulations proposed or enacted in other states or by the federal government to regulate landfills and the disposal of solid waste;

(2) Environmental variables which affect sanitary landfill degradation;

(3) Degradability as a potential answer where recycling or reuse are not feasible, and the role degradable products may have in solid waste disposal;

(4) The types of degradabilities and materials used to manufacture degradable products and their effectiveness and environmental impact;

(5) The feasibility and environmental impact of source reduction, recycling or reuse, and waste-to-energy through incineration; and

(6) Any trends in the field of solid waste management and the economic impact of such trends.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special committee of the Legislature shall be appointed by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

PURPOSE: To hold hearings and review reports relating to rural economic development and job creation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364. Introduced by Moore, 24th District.

PURPOSE: The purpose of this resolution is to study the impact of the passage of Laws 1989, LB 48. LB 48 was passed on a vote of 27-16 and prohibited the promotional distribution of smokeless tobacco products. The study should investigate any and all potential impacts of the ban as well as how such a ban relates to controls imposed upon other products within the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 551A in the Journal. No objections. So ordered.

AM3084

1. Insert the following new sections:

“Sec. 2. On or before June 30, 1992, the State Treasurer shall transfer $98,905 from the Department of Health Cash Fund to the General Fund to reimburse the General Fund for the appropriation prescribed in section 1 of this act.

Sec. 3. The Department of health, in conjunction with the laboratory advisory board, shall study the workload requirements necessary to implement Legislative Bill 551, Ninety-first Legislature, Second Session, 1990, and shall establish a range of fees necessary to cover the costs associated with implementation of such bill. The department shall report its findings on or before January 1, 1991.”.

2. On page 2, strike line 3 and insert “$682,314 from the”.

The Appropriations Committee asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM3088

1. In the Standing Committee amendments, AM2659, on page 56, lines 3 and 4, strike “42,545” and insert “98,423”; and in line 6 strike “$34,285” and insert “$111,462”.

2. Insert the following new section:

“Sec. 24. AGENCY NO. 12 -- STATE TREASURER

Program No. 503 - Treasury Management

	FY1989-90	FY1990-91
GENERAL FUND	3,574	-0-
PROGRAM TOTAL	3,574	-0-

No expenditures for personal services shall be made from funds appropriated in this section.”.

3. Insert the following new section:

“Sec. 31. AGENCY NO. 23 -- DEPARTMENT OF LABOR

Program No. 194 - Division for Protection of People and Property

	FY1989-90	FY1990-91

GENERAL FUND	-0-	44,048
PROGRAM TOTAL	-0-	44,048

Total expenditures for permanent and temporary salaries and per diems shall not exceed $27,548 for FY1990-91.

No expenditures shall be made from funds appropriated in this section until the city of Omaha certifies to the Commissioner of Labor and the state budget administrator that the city of Omaha is no longer performing municipal elevator inspections under section 45 of the Omaha Municipal Code and the state assumes responsibility for such inspections under sections 48-418 to 48-418.14.".

4. a. On page 13, line 21, strike "$120.822,391" and insert "$120,807,391"; and in line 22 strike "$211,684,856" and insert "$211,639,856"; and

b. On page 14, line 15, strike "$215,113", show as stricken, and insert "$230,113"; in line 16 strike "$527,340", show as stricken, and insert "$572,340"; and in line 21 strike "$742,453", show as stricken, and insert "$802,453".

5. On page 58, strike line 6 and insert:

"CASH FUND	5,150	5,000
PROGRAM TOTAL	21,181	40,967".

6. a. On page 65, line 23, strike "$132,000" and insert "$177,500"; and

b. On page 66, line 1, strike "$140,000" and all amendments thereto and insert "$200,500".

7. On page 69, after line 23 insert:

"(10) It is the intent of the Legislature that funds received by the University of Nebraska as reimbursement for claims against asbestos companies for asbestos removal be deposited in separate accounts within the Nebraska Accounting System to be used exclusively for University asbestos removal and cleanup projects and that funds reimbursed for state-aided projects not be used for revenue bond facility projects.".

8. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1059. Mr. Ashford offered the following amendment:
AM3069

1. On page 28, after line 21, insert the following new subdivision:

"(4) For the ensuing school year a school district is bound by the terms of a long-term collective bargaining contract negotiated prior to the effective date of this act and during a preceding school year to raise employee salaries by a percentage greater than such district's applicable allowable growth rate. The department shall compute the amount by which the increase in employee salaries exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of operating expenditures by such amount.".

Mrs. Robak, Messrs. Conway, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Crosby
Dierks
Goodrich
Hartnett
Johnson, R.
Labedz
Landis
McFarland
Nelson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 10:

Abboud
Haberman
Hefner
Johnson, L.
Korshoj
Lamb
Moore
Morrissey
Schmit
Smith

Present and not voting, 7:

Coordsen
Elmer
Hall
Hannibal
Langford
Lindsay
Peterson

Excused and not voting, 4:

Conway Kristensen Lynch Rogers

The Ashford amendment was adopted with 28 ayes, 10 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Hefner and Withem offered the following amendment:
AM3091

1. On page 5, line 13, after "summary" insert "and shall include the proportional share of students enrolled in a public school program on less than a full-time basis".

Mr. Hall offered the following amendment to the pending Hefner-Withem amendment:
FA414

1. Insert the following new section:

"Sec. 29. That section 77-2716.01, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1988, the amount allowed to be subtracted shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1989, the amount allowed to be subtracted shall be one thousand one hundred eighty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1990 and each tax year thereafter, the amount to be subtracted shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. If any amount to be subtracted is not a multiple of ten dollars, the amount shall be rounded to the next lowest multiple of ten dollars. The amount shall then be multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize

deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.

(4)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state, is not operated for profit, does not discriminate on the basis of race, color, or national origin, and fulfills the school term requirements prescribed in section 79-201.

(b) For purposes of this subsection:

(i) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return;

(ii) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities; and

(iii) Transportation shall not include transportation to and from extracurricular activities.".

2. On page 50, line 18, after "sections" insert "77-2716.01,".

3. Renumber remaining sections accordingly.

SPEAKER BARRETT PRESIDING

Mr. Hefner requested a ruling of the Chair on whether the Hall amendment is germane to the Hefner-Withem amendment.

The Chair ruled the Hall amendment is germane to the Hefner-Withem amendment.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. LABEDZ PRESIDING

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud
Ashford
Beck
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Labedz
Langford
Lindsay
McFarland
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Withem

Voting in the negative, 20:

Baack
Bernard-Stevens
Beyer
Chambers
Haberman
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Landis
Moore
Morrissey
Nelson
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely

Present and not voting, 3:

Byars
Coordsen
Hannibal

Excused and not voting, 4:

Barrett
Kristensen
Lynch
Rogers

The Hall amendment lost with 22 ayes, 20 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Byars asked unanimous consent to be excused. No objections. So ordered.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 17 nays, and 18 not voting.

Messrs. Wesely and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Hefner requested a roll call vote on the Hefner-Withem amendment.

Voting in the affirmative, 19:

Abboud
Conway
Coordsen
Dierks
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Peterson
Pirsch
Schellpeper
Schmit
Weihing
Withem

Voting in the negative, 19:

Baack
Beck
Beyer
Chizek
Crosby
Haberman
Hall
Korshoj
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Robak
Schimek
Smith
Warner
Wehrbein

Present and not voting, 6:

Ashford
Bernard-Stevens
Chambers
Hannibal
Langford
Scofield

Excused and not voting, 5:

Barrett
Byars
Lynch
Rogers
Wesely

The Hefner-Withem amendment lost with 19 ayes, 19 nays, 6 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 365. Introduced by Wesely, 26th District; Coordsen, 32nd District.

PURPOSE: The purpose of this resolution is to conduct a study of the programs for drug and alcohol abuse treatment programs in Nebraska.

The study shall include, but shall not be limited to:

(1) The location and types of substance abuse beds in Nebraska;

(2) Ways to promote the appropriate utilization of substance abuse programs;

(3) Sources of funding for substance abuse programs;

(4) Changes needed in the substance abuse treatment services delivery system;

(5) Availability of substance abuse treatment for low-income and moderate-income Nebraskans;

(6) Expansion of the medicaid program to include coverage of inpatient substance abuse treatment; and

(7) Adequacy of state-administered publicly funded substance abuse treatment programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366. Introduced by Warner, 25th District.

PURPOSE: The purpose of this resolution is to study hate groups and violence related to hate groups in Nebraska.

There has been increased nationwide growth of and attention given to hate-related or bias-related groups which intimidate, manifest prejudice, and advocate activities, incidents, and crimes based on an individual's race, national origin, or religion. Such groups undermine the values of mutual and individual respect upon which the nation was founded. The growth in the activities has been evidenced in Nebraska by public advertisements for and recruitment of memberships in such groups. The recent increase in the activities indicate that an interim study to address the problem this year is particularly timely. The study should include an investigation of the extent of such groups' activities and determination of any statutory changes necessary to further the investigation and prosecution of such crimes and the discouragement of such activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 367. Introduced by Schimek, 27th District: Bernard-Stevens, 42nd District; Chizek, 31st District; Landis, 46th District; Baack, 47th District; Chambers, 11th District; Wesely, 26th District; Labedz, 5th District; Schmit, 23rd District; Warner, 25th District; Pirsch, 10th District; Nelson, 35th District; Scofield, 49th District.

PURPOSE: The purpose of this resolution is to examine questions which have been raised regarding the investigation, prosecution, and management of child abuse cases, including, but not limited to, neglect and psychological, physical, and sexual abuse. Recent investigations into child abuse cases are examples of the system failing to address the needs of the children in our society. The growing number of child abuse cases in Nebraska demand that Nebraska have a system that is capable of proper investigation, prosecution, and treatment of the perpetrators of the crime as well as the victims.

The study shall include a review of (1) an analysis of the current statutory framework, (2) the investigation and prosecution of child abuse cases, including treatment programs for both victims and perpetrators of child abuse or the lack of such treatment programs, (3) policies and practices regarding the effective record keeping of child abuse cases by the Department of Social Services, law enforcement agencies, county attorneys, and juvenile and criminal courts, and (4) reports of child abuse cases, including an analysis of how the Department of Social Services, law enforcement agencies, county attorneys, and juvenile and criminal courts respond.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council shall appoint a select committee on child abuse and related issues. The chairpersons of the Appropriations, Health and Human Services, Judiciary, and Government, Military and Veterans Affairs Committees shall submit the names of two of their respective committee members to the Executive Board, which shall appoint them and one member of the Executive Board to the select committee. In addition, the Select Committee on Children shall appoint one of its own members to serve on the select committee. The select committee shall elect a chairperson from among its membership and may appoint a project director from senatorial staff.

2. That the select committee shall draft a study plan defining the objectives of the study and may designate project teams from among legislative offices.

3. That the select committee shall consider obtaining the services of one or more persons or firms with nationally recognized expertise in the field of child abuse to aid in carrying out the purposes of this resolution.

4. That the study shall include but not be limited in its findings to (a) recommendations for changes in the statutory framework, (b) recommendations on improvements of current treatment programs for victims and perpetrators, (c) the creation of uniform procedures for receiving reports, screening and investigating cases, and providing services for victims and perpetrators, and (d) estimates of the potential costs of such systems and treatment programs.

5. That, since one of the primary purposes of this study is to directly assist in fostering the administration of the statutes dealing with child abuse and neglect, sections 28-710 to 28-727, the records dealing with child abuse collected under such sections shall be made available to the select committee and its staff subject to strict confidentiality. No records or any part of such records shall be made available to persons outside of the committee and its staff and shall be used for data collection purposes only.

6. That the select committee shall develop a long-range plan relating to child abuse cases and related issues and shall, prior to December 1, 1991, make a report of its findings, together with its recommendations, to the Legislative Council of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 368. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Goodrich, 20th District; Schellpeper, 18th District.

PURPOSE: The purpose of this resolution is to study all aspects of the mental retardation service system in Nebraska. Significant concerns have been expressed regarding the funding, organization, and quality of services in Nebraska. The objective of the study shall be to develop specific strategies for strengthening mental retardation services in Nebraska. The study shall include services provided by community-based mental retardation programs and services provided by the Beatrice State Developmental Center. The study shall also address the need for services and a statewide delivery system for services to developmentally disabled persons in Nebraska. Currently there are developmentally disabled persons who are not receiving services because appropriate services are not available or because the individuals are on waiting lists.

The study shall include, but not be limited to, identification of and recommendations for:

(1) Services offered by each region;

(2) The need for core services in each region;

(3) The organization and management of each region;

(4) Wage differences by region;

(5) Gaps in the service delivery system on a statewide basis and on a regional basis;

(6) Children's services provided by community-based mental retardation programs;

(7) Service needs of graduates of special education programs;

(8) Funding sources for services to persons with mental retardation and developmentally disabled persons;

(9) The effectiveness of the region organizational structure;

(10) Alternative organizational structures for mental retardation services;

(11) Definition of the responsibilities of the state, the regions, and local programs and providers;

(12) The services and costs of the Beatrice State Developmental Center;

(13) The interaction between community-based mental retardation programs and the Beatrice State Developmental Center;

(14) Services provided under the medicaid waiver for community-based mental retardation programs;

(15) A review of the provisions and applicability of the medicaid waiver;

(16) The development of an impartial due process mechanism for consumer complaints;

(17) The number of developmentally disabled persons in Nebraska needing services;

(18) The funding and programs needed for services to developmentally disabled persons;

(19) The number of persons on waiting lists for services to persons with mental retardation;

(20) The services required by persons on mental retardation program waiting lists;

(21) The role of consumers and their families in services to persons with mental retardation and developmentally disabled persons;

(22) Development of a mechanism for monitoring the quality of services;

(23) Development of program standards;

(24) Development of a process for periodic reevaluation of services provided to and needed by each client;

(25) Definition of accountability, to whom and by whom, at every level of the service delivery system;

(26) The role of private providers in the service delivery system; and

(27) The training needs of personnel in programs providing services to the developmentally disabled.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the chairperson of the committee shall form a special task force to the committee comprised of senators, parents, county commissioners, state agency representatives, region representatives, service providers, advocates for the developmentally disabled, and other interested persons.

3. That the committee shall call upon the resources of the Director of Research of the Legislature, the Legislative Fiscal Analyst, and other staff resources to carry out the purposes of this resolution.

4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Byars, 30th District; Crosby, 29th District; Dierks, 40th District; Goodrich, 20th District; Schellpeper, 18th District.

PURPOSE: The State of Nebraska is affected fiscally and socially by the need for and provision of human service programs and by the health status of its citizens. These human service and health issues include, but are not limited to child care, cost containment for health care services, availability of nurses and other health care providers, services for persons with head injuries, health care for the medically indigent, laboratory testing, maternal and infant care, mental health, mental retardation, substance abuse, poverty, regulation of new health professions, rural health care availability, teenage pregnancy, asbestos removal, the Nebraska Mental Health Commitment Act, child abuse, adult abuse, Medicaid services, fees for licensure, services for the medically fragile, services for the developmentally disabled, hunger, acquired immunodeficiency syndrome, sexual abuse of children, and certificate of need. These issues have been reviewed and continue to need review by the Legislature to determine the appropriate legislative responses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Wesely, 26th District; Dierks, 40th District.

PURPOSE: The purpose of this resolution is to study the process for disciplining licensed health professionals and to determine the effectiveness of the current procedures in responding to complaints against health professionals, including chemical impairment. As disciplinary activities have increased over the last several years, concerns have surfaced regarding the role of the Department of Health, the Attorney General, and the Board of Examiners in implementing the disciplinary system.

The study shall include, but not be limited to, the following:

(1) The role of the Board of Examiners in the review and investigation of complaints;

(2) The process of notification to the licensees;

(3) Confidentiality of investigations;

(4) Involvement of the Attorney General in the investigative process:

(5) Investigation of unlicensed practices; and

(6) The hearing process and the role of the Director of Health.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The committee should solicit input from consumers, representatives of professional organizations, and interested health professionals to formulate recommendations for changes in the disciplinary system.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 371. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to conduct a study of the programs in Nebraska which help victims of domestic violence.

The study shall include, but not be limited to, the following issues:

(1) The adequacy of funding for domestic violence programs;

(2) The need for more programs to combat domestic violence;

(3) The relationship between domestic violence and child abuse;

(4) The need for a state plan to address domestic violence;

(5) The number of cases of domestic violence reported in Nebraska;

(6) Prevention programs for domestic violence; and

(7) Requirements for autopsies following a death caused or contributed to by domestic violence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this interim study resolution is to conduct a study to identify the concerns of biological parents who have children in the foster care system in Nebraska. In 1988, the Department of Social Services engaged Michael Petit to conduct a study of Nebraska's foster care system. The report, Meeting the Challenge of Children in Foster Family Care, released in December 1988 is the most comprehensive, recent study of foster care in Nebraska. The consultants conducted interviews and summarized the points of view of many involved with the foster care system, including providers, legislators, state agency personnel, and foster parents. However, the study did not include an assessment of the concerns of biological parents who have children in the foster care system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall call upon the resources of the Public Council and the Director of Research of the Legislature and such other legislative staff as may be willing to participate for assistance in carrying out the purposes of this resolution.

3. That the committee shall work with the Department of Social Services, the Department of Public Institutions, the State Department

of Education, and the Foster Care Review Board in carrying out the purposes of this resolution.

4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to review the status of foster care in Nebraska particularly as it relates to the placement of very young children. The review should include an analysis of the extent of out-of-home placement in Nebraska of children under the age of three years. The study shall address policy issues concerning the needs of such children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this study resolution is to conduct a study on the availability and accessibility of respite care in the State of Nebraska. Statistics show that:

(1) The number of single parent families with disabled children is increasing;

(2) Older parents are increasingly responsible for the care of adult children;

(3) Abuse and neglect of disabled children is increasing;

(4) Infants with multiple disabilities are more likely to live due to advances in medical care and technology; and

(5) A greater number of children with medical or behavioral disorders are being relinquished because of a lack of support for the family.

In accordance with the family policy objectives as specified in sections 43-532 to 43-534, respite care is a preventive service that is critical in assisting families to meet the varied problems that they may face particularly when one of the family members is behaviorally disordered or physically disabled.

The Health and Human Services Committee shall:

(a) Study the availability and accessibility of respite care services across the state to families in crisis situations;

(b) Identify methods for recruiting and training respite care providers;

(c) Identify funding sources for respite care services; and

(d) Identify methods for increasing community awareness of the availability of respite care services and the potential need for additional services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 375. Introduced by Wesely, 26th District; Hall, 7th District.

PURPOSE: The purpose of this resolution is to examine and possibly develop a Taxpayers Bill of Rights for Nebraska. In 1987, the state income tax system was changed which increased the tax burden for low-income and moderate-income Nebraskans and reduced the tax burden for wealthy Nebraskans. These changes also resulted in a more complicated tax system for Nebraska taxpayers. As a result, Nebraskans have had their confidence and trust in state government shaken.

This study shall examine any Taxpayers Bill of Rights proposed or adopted by the federal government and other states and determine whether a Taxpayers Bill of Rights is needed to help protect

Nebraskans from unfair state tax policies and help restore the public's trust in state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 376. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this study is to conduct a review of long-term care services in Nebraska. Numerous changes have occurred in recent years as a result of federal changes. Nebraska has more than seventeen thousand citizens living in long-term care facilities. These are vulnerable, elderly, or disabled individuals.

The study shall include, but not be limited to:

(1) The impact of the OBRA changes on long-term care in Nebraska;

(2) The health care professional staff shortage and its effect on nursing homes;

(3) The feasibility of a statewide volunteer ombudsman's program;

(4) Ways to strengthen the service delivery system for long-term care; and

(5) The need for community-based services for the elderly as an alternative to nursing home care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 377. Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study ways to make improvements in the delivery of public health services in Nebraska. The study shall include, but not be limited to, an examination of:

(1) Current public health services in Nebraska;

(2) Improving the availability of public health services;

(3) Assuring that all children in Nebraska have needed immunizations;

(4) The "185% of poverty" medicaid option for pregnant women and young children; and

(5) An examination of a health pocketbook system for use by citizens similar to the system in place in Japan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 378. Introduced by Elmer, 38th District.

PURPOSE: Propane and fuel oil are vital to businesses of mainstream Nebraska. The price differential per British Thermal Unit (BTU) is a matter of concern to private industry and is a matter of much discussion.

The purpose of this resolution is to conduct a study to look at the current advertising practices of Nebraska Public Power District and other public power districts and the price differentials to determine if there should be suggested legislative changes.

While conducting such study a public hearing should be held so that all citizens of Nebraska may have input into the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 656 and 953.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 953
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6273

1. On page 4, line 9, an underscored comma has been inserted after "member".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

AM3074

(Amendments to Final Reading copy)

1. On page 27, strike lines 8 and 9; in line 10 strike "(5)" and insert "(4)"; in line 12 strike "(6)" and insert "(5)"; in line 16 strike "(7)" and insert "(6)"; and in line 20 strike ", political subdivision,".

2. On page 28, line 5, strike ", political"; in line 6 strike "subdivision,"; in line 12 strike ", political subdivision,"; and after line 16 insert the following new subsection:

"(3) By November 1, 1990, political

subdivisions shall by ordinance or regulation enact personnel policies consistent with the provisions of this section.".

Messrs. Haberman, Schellpeper, Coordsen, Warner, Ashford, and Wesely asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM3104

(Amendments to Standing Committee amendments, AM2659)

1. On page 51, lines 22 and 23, strike "230,000" and insert "330,000".

2. On page 52, after line 4 insert the following:

"There is included in the appropriation to this program $100,000 to conduct a study of the state retirement systems."; and in lines 18 and 19 strike "238,000" and insert "338,000".

Mr. Withem asked unanimous consent to print the following amendment to LB 1221 in the Journal. No objections. So ordered.

AM3093

1. Insert the following new section:

"Sec. 3. That section 18-1909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1909. All original and renewal licenses shall be good for one year from ~~their dates; PROVIDED,~~ the date of issuance, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the board showing the holder of the license to be ~~then~~ incompetent or guilty of a willful breach of the rules, regulations, or requirements of the board~~,~~ or of the laws or ordinances relating thereto~~,~~ or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.".

2. On page 2, reinstate the stricken matter beginning with "The" in line 6 through the period in line 11; in line 8 after the first reinstated comma insert "an architect licensed to practice in the State of Nebraska, an engineer licensed to practice in the

State of Nebraska."; in line 9 after the reinstated "The" insert "architect, engineer, and"; in line 11 after the reinstated period insert "The chief health officer, architect, and engineer shall be residents of the city."; and in lines 11 through 16 strike the new matter.

3. On page 3, line 1, after the period insert "A member shall continue to serve until his or her successor has been appointed and qualified.".

4. On page 4, line 21, after the period insert "The city or village shall make available to the board a location for the board to meet and conduct business at a time convenient for the members of the board.".

5. On page 5, line 5, after "(8)" insert "The plumbing board in a city of the metropolitan class shall maintain a record of all complaints filed in the city regarding violations of the plumbing code and a record of the disposition of each such complaint.

(9)"; and in lines 15 through 18 strike the new matter and reinstate the stricken matter.

6. On page 6, lines 6, 12 through 17, 22, 23, and 25, strike the new matter and reinstate the stricken matter.

7. On page 7, lines 1 through 4, 6 through 9, and 15, strike the new matter and reinstate the stricken matter; in line 17 after the period insert "The Building Board of Review shall have the authority to hear appeals from the plumbing board in matters regarding variances and interpretation of ordinances, rules, and regulations. The board shall adopt rules governing such appeals."; and in line 18 strike "section 18-1906" and insert "sections 18-1906 and 18-1909".

8. Renumber the remaining section accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3100

1. Strike original sections 14 to 21 and all amendments thereto and insert the following new sections:

"Sec. 14. For purposes of sections 14 to 18 of this act:

(1) Adopted budget statement shall have the definition found in section 13-503;

(2) Base year shall mean fiscal year 1989-90;

(3) Fiscal year shall have the definition found in section 13-503;

(4) Governing body shall have the definition found in section 13-503;

(5) Growth shall mean any property tax revenue received as the result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any personal property not listed for taxation in the previous year but shall not include any increased property tax revenue received due to a change in valuation of a class or subclass of property or to revaluations of individual properties;

(6) Property taxes shall mean all revenue received from the levy of taxes on real and personal property except motor vehicles, including receipts from reimbursements under sections 77-3523 and 77-4205, but shall not include nonresident high school tuition funds or property taxes collected for retirement of bonded indebtedness or, for all fiscal years after fiscal year 1990-91, revenue received as a result of growth; and

(7)(a) For political subdivisions other than school districts, state aid shall mean anticipated receipts from state tax sources but shall not include:

(i) Receipts from nonrecurring special grants, loans, or contracts intended to fully or partially fund special projects or programs or to match specific federal grants;

(ii) Reimbursements under sections 77-3523 and 77-4205;

(iii) Distributions under the Municipal Infrastructure Redevelopment Fund Act, under the Special Education Act, under the Wastewater Treatment Facilities Construction Assistance Act, under sections 2-1586 to 2-1595, 3-148, 39-2215, and 77-913, and from the Temporary School Fund; and

(iv) Funds used to pay for the first year's implementation of any new program established by state law; and

(b) For school districts, state aid shall have the definition found in section 3 of this act.

Sec. 15. Except as provided in section 16 of this act, no governing body of any political subdivision shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated combined receipts from state aid and property taxes, for any fiscal year beginning with fiscal year 1990-91, exceed the total of (a) the receipts from state aid and property taxes for the base year at the rate of two percent and (b) the amount for new programs as designated by the Legislature at the rate of two percent from the year of implementation.

For political subdivisions that consolidate after the effective date of this act, the percentage increase shall be computed based on the combined receipts from state aid and property taxes of the subdivisions in the fiscal year immediately preceding consolidation.

Sec. 16. (1) If a majority of the members of the governing body of a political subdivision determines that an increase in property taxes greater than the increase permitted by section 15 of this act is required for the coming fiscal year, the governing body shall call a special election for the purpose of placing the question of such increase before the voters. The increase shall be adopted if approved by a majority of those voting on the question. Voting at such special election shall be by those persons who are authorized to vote for members of the governing body of such political subdivision.

(2) Notice of the election held pursuant to subsection (1) of this section shall state the date on which the election is to be held and the hours the polls will be open. The notice shall be published in a newspaper that is published in or of general circulation in the political subdivision at least five days before the election. If no newspaper is published in or of general circulation in the political subdivision, notice shall be posted at least five days before the special election in each of three public places in the political subdivision.

(3) The governing body shall submit the question to the voters in the following form:

The (name of political subdivision) proposes to request a (number) percent increase in the total property taxes levied on its behalf. Such increase is greater than the increase permitted by section 15 of this act.

A vote FOR the proposal will allow the (name of political subdivision) to increase the total property taxes levied by (number) percent.

A vote AGAINST the proposal will limit the (name of political subdivision) to the total budget amount for the current fiscal year.

Sec. 17. A political subdivision which collects revenue in an amount greater than the budgeted amount shall place such greater amount in escrow in a commercial interest bearing account. Such greater amount shall not be part of any budgeted reserve. The escrowed amount shall be independently audited and publicly reported and shall be returned to the taxpayers of the political subdivision by crediting such amount as a receipt of revenue to the budget for the next fiscal year, and any revenue request for the next fiscal year shall be reduced in an amount equal to the escrowed amount.

Sec. 18. Total appropriations for the State of Nebraska funded with taxes and fees collected by the state shall not increase by more than two percent in any fiscal year over the total appropriations of the prior fiscal year, except that an increase of more than two percent shall be authorized only when legislation authorizing the increase receives the approval of at least four-fifths of the members of the Legislature to advance such legislation to final reading.”.

2. On page 3, line 1; and page 43, line 18, strike “24” and insert “21”.

3. On page 4, line 21, after the underscored semicolon insert “and”; and strike beginning with the underscored semicolon in line 24 through line 25.

4. On page 5, strike beginning with line 1 through “districts” in line 4.

5. On page 6, strike beginning with “General” in line 18 through “(13)” in line 22; and in line 24 strike “(14)” and insert “(13)”.

6. On pages 7 and 8, renumber the remaining subsections accordingly.

7. On page 30, line 19, after the semicolon insert "and"; and strike beginning with the semicolon in line 23 through line 25 and insert an underscored period.

8. On page 31, strike line 1; and in line 20 strike beginning with the first comma through the second comma.

9. On page 32, line 2, after the comma insert "and"; and strike beginning with the comma in line 3 through "patterns" in line 4.

10. On page 38, line 24, strike "21" and insert "13".

11. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were Marlene and Heather Burnham and Caroline Bargman from Beatrice; 27 third, fourth, seventh, and eighth grade students from St. Agnes Catholic School, Omaha; and 52 students from Holy Name School, Omaha.

ADJOURNMENT

At 4:58 p.m., on a motion by Mr. Schellpeper, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 21, 1990

LEGISLATIVE JOURNAL

FIFTIETH DAY - MARCH 21, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 21, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor George Cook, Fellowship Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Baack, Byars, Haberman, Hall, Hannibal, R. Johnson, Landis, Lindsay, Morrissey, Rogers, Schmit, Wesely, Mmes. Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1369, line 3, strike "an" and insert "a".
The Journal for the Forty-Fifth Day was approved as corrected.
The Journal for the Forty-Ninth Day was approved.

UNANIMOUS CONSENT - **Print in Journal**

Mr. Ashford asked unanimous consent to print the following amendment to LB 315 in the Journal. No objections. So ordered.

AM3094

(Amendments to AM2996)

1. On page 5, line 6, after the period insert

"If an individual applies to enroll in such a drug treatment program pursuant to this subdivision and is accepted in such program, he or she shall immediately begin treatment at the first available date allowed by such program.".

GENERAL FILE

LEGISLATIVE BILL 571A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1222A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1059. Messrs. Schellpeper and Dierks offered the following amendment:
AM3090

1. On page 5, after line 4, insert the following new subsection: "(3) The Legislature further finds and declares that all funds to be distributed pursuant to section 13 of this act shall be used specifically for the purpose of reducing property taxes in the district to which they are distributed.".

2. On page 22, line 12, after the period insert "Such certified amounts shall be shown as budgeted nonproperty tax receipts and deducted prior to calculating the property tax request in the school district's general fund budget statement as provided to the Auditor of Public Accounts and the department pursuant to section 15 of this act.".

SPEAKER BARRETT PRESIDING

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 6 nays, and 22 not voting.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Schellpeper-Dierks amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Conway offered the following amendment:
AM3099

1. On page 36, line 5, after "77-2701.01." insert "Pursuant to section 77-2715.01, for all taxable years beginning or deemed to begin on or after January 1, 1990, under the Internal Revenue Code of 1986, as amended, the rate of the income tax levied pursuant to section 77-2715 shall be three and forty-three hundredths percent.".

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Conway amendment was adopted with 30 ayes, 4 nays, 14 present and not voting, and 1 excused and not voting.

Ms. Schimek and Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3057.)

PRESIDENT NICHOL PRESIDING

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Schimek-Wesely amendment lost with 5 ayes, 20 nays, 22 present and not voting, and 2 excused and not voting.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Schimek's birthday.

SELECT FILE

LEGISLATIVE BILL 1059. Mrs. Smith offered the following amendment:
AM3017

1. Insert the following new section:

"Sec. 31. That section 77-27,132, Revised Statutes Supplement, 1989, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund ~~all of the proceeds of the sales and use taxes derived from~~ the amount derived from a sales and use tax rate of four percent on sales of motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.".

2. On page 50, line 13, after the first comma insert "77-27,132,".

3. Renumber the remaining sections accordingly.

Mr. Chambers requested a record vote on the Smith amendment.

Voting in the affirmative, 11:

Abboud
Beck
Chizek
Dierks
Haberman
Korshoj
Labedz
Landis
Lindsay
Pirsch
Smith

Voting in the negative, 13:

Beyer
Conway
Crosby
Elmer
Hefner
Johnson, L.
Lamb
Langford
Moore
Peterson
Warner
Wehrbein
Weihing

Present and not voting, 23:

Ashford
Baack
Barrett
Bernard-Stevens
Byars
Chambers
Coordsen
Goodrich
Hall
Hannibal
Hartnett
Johnson, R.
Lynch
McFarland
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schimek
Scofield
Wesely
Withem

Excused and not voting, 2:

Kristensen
Schmit

The Smith amendment lost with 11 ayes, 13 nays, 23 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to reconsider the Smith amendment, AM3017, to LB 1059.

SPEAKER BARRETT PRESIDING

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 18:

Ashford
Chambers
Dierks
Goodrich
Haberman
Hall
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Pirsch
Robak
Smith
Weihing
Wesely

Voting in the negative, 27:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Hannibal
Hartnett
Hefner
Johnson, L.
Lamb
Langford
Moore
Nelson
Peterson
Rogers
Schellpeper
Scofield
Warner
Wehrbein
Withem

Present and not voting, 2:

Johnson, R.
Schimek

Excused and not voting, 2:

Kristensen
Schmit

The Chambers motion to reconsider lost with 18 ayes, 27 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Korshoj, Landis, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Smith withdrew her pending amendment, AM2953, found in the Journal on page 1303.

Mrs. Nelson renewed her pending amendment, AM3006, found in the Journal on page 1399.

Messrs. Haberman, Lynch, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Nelson withdrew her pending amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 379. Introduced by Pirsch, 10th District.

WHEREAS, criminal violence preys on millions of Americans and thousands of Nebraskans every year; and

WHEREAS, victims of crime and their families and friends often suffer grave financial, physical, and psychological losses; and

WHEREAS, special victim groups such as racial minority victims, victims of hate crimes, elderly victims, child victims, surviving relatives of homicide victims, victims of drunk driving, sexual assault victims, differently-abled victims, spouse abuse victims, catastrophic physical injury victims, and burglary victims are of the underserved in many of our communities; and

WHEREAS, all victims share a common bond of suffering and survival: and

WHEREAS, all citizens of the United States deserve to be treated with dignity, compassion, and justice in times of distress; and

WHEREAS, heretofore such treatment has not been afforded to all victims, witnesses, and their loved ones or survivors; and

WHEREAS, thousands of our fellow citizens, in their work and their volunteer activities, are devoting themselves to bringing a full measure of dignity, compassion, and justice to those of our friends, relatives, and neighbors who fall victim to crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates and proclaims the week of April 22 to 28, 1990, as Victims Rights Week in Nebraska.
2. That the members of the Legislature encourage all Nebraskans to become active in assisting and supporting their fellow citizens who may, through no fault of their own, become victims of crime.
3. That the Legislature expresses its gratitude to those who give so much of their time and efforts to reduce the plight of crime victims and make their world a better, safer place to live.

Laid over.

LEGISLATIVE RESOLUTION 380. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District: Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to propose a study concerning the best methods of preserving and protecting the Niobrara River.

The Niobrara River is a valued resource and natural gem for the entire State of Nebraska. Congress is presently considering legislation to designate the Niobrara as a scenic river. The impact of such a designation on the Niobrara River, the surrounding landowners, and persons who would use the river for agricultural, domestic, and recreational purposes should be studied. It would be in the best interests of the State of Nebraska for the Legislature to cooperate with local governments in the resolution of this controversial issue.

The purpose of this resolution also is to examine the potential need for an interlocal protection plan or other state action which would govern the control and use of the Niobrara River and the lands adjoining its banks including possible action pursuant to section 2 of the federal Wild and Scenic Rivers Act of 1968.

The study shall examine the entire mainstream of the Niobrara River in Nebraska from the Wyoming-Nebraska state line to its confluence with the Missouri River, including the major tributaries. The study shall include a determination as to the need for any government protection of the Niobrara River, shall formulate an analysis of the available methods of protecting the values and natural resources of the river under current state law, and shall further explore other alternatives through proposals for new legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.
3. That a copy of this resolution be provided to the Nebraska congressional delegates and to the chairpersons of the appropriate congressional committees.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 381. Introduced by Schmit, 23rd District: Peterson, 21st District; Schellpeper, 18th District; Conway, 17th District.

PURPOSE: The purpose of this resolution is to study the rate-setting and business practices of public power districts in Nebraska, especially in their relationships with large industrial customers. Recurring and protracted litigation between public power suppliers and their customers has established that costs have not been properly and fairly allocated among customer classes in certain instances and rates have not been established in a fair, reasonable, and nondiscriminatory manner as required by law. The adequacy and applicability of these rate statutes and the adequacy and appropriateness of rate-setting practices should be specifically reviewed and available alternatives explored to ensure that the legal and fiduciary obligations of public power districts in Nebraska are followed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study, in cooperation with the appropriate state agencies, to carry out the purposes of this resolution. The committee should solicit information from large industrial customers who utilize public power districts and others who may be affected by rate policies of our public power districts and should hold public hearings in Norfolk, Kearney, or such other location that the committee determines to most effectively gain the information necessary to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Senator Korshoj's sister, Marilyn Jackson, and Ann Benson from Fremont; 60 fourth grade students and teachers from Fremont Elementary; 26 eighth grade students and teacher from Osceola High School; Lou Jensen, Carol Wright, and Bob Reynolds from Chadron State College; Nadine Fricke from McCook and Mary Jane Morris from Lincoln; 30 Nebraska Municipal Power and Pool Wives; 38 students and sponsors from Wisner-Pilger High School; Naomi Smith from Omaha; and members of W.I.F.E.

RECESS

At 12:06 p.m., on a motion by Mrs. Crosby, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Hannibal, L. Johnson, Landis, McFarland, Schmit, Warner, Wehrbein, Mmes. Labedz, Langford, Pirsch, Smith, Mses. Schimek, and Scofield who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 1059. Mr. Wesely offered the following amendment:
AM3098

1. On page 23, line 15, before "The" insert "(1)"; and in line 20 strike "(1)" and insert "(a)".
2. On page 24, line 5, strike "(2)" and insert "(b)"; and in line 19 strike "(3)" and insert "(c)".
3. On page 25, after line 11, insert the following new subsection:

"(2) For purposes of determining an applicable allowable growth percentage pursuant to this section, the department shall exempt increased costs of health insurance beyond the percentage determined by the department pursuant to this section.".

The Wesely amendment lost with 7 ayes, 16 nays, 13 present and not voting, and 13 excused and not voting.

Mr. Schmit withdrew his pending amendment, AM3100, found in the Journal on page 1525.

Mr. Schmit offered the following amendment:
AM3118

1. Strike original sections 14 to 21 and all

amendments thereto and insert the following new sections:

"Sec. 14. For purposes of sections 14 to 18 of this act:

(1) Adopted budget statement shall have the definition found in section 13-503;

(2) Base year shall mean fiscal year 1989-90;

(3) Fiscal year shall have the definition found in section 13-503;

(4) Governing body shall have the definition found in section 13-503, except that governing body shall not include the governing body of a public power or public power and irrigation district or any metropolitan utilities district;

(5) Growth shall mean any property tax revenue received as the result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any personal property not listed for taxation in the previous year but shall not include any increased property tax revenue received due to a change in valuation of a class or subclass of property or to revaluations of individual properties;

(6) Property taxes shall mean all revenue received from the levy of taxes on real and personal property except motor vehicles, including receipts from reimbursements under sections 77-3523 and 77-4205, but shall not include nonresident high school tuition funds or property taxes collected for retirement of bonded indebtedness or, for all fiscal years after fiscal year 1990-91, revenue received as a result of growth; and

(7)(a) For political subdivisions other than school districts, state aid shall mean anticipated receipts from state tax sources but shall not include:

(i) Receipts from nonrecurring special grants, loans, or contracts intended to fully or partially fund special projects or programs or to match specific federal grants;

(ii) Reimbursements under sections 77-3523 and 77-4205;

(iii) Distributions under the Municipal Infrastructure Redevelopment Fund Act, under the Special Education Act, under the Wastewater Treatment Facilities Construction Assistance Act, under sections 2-1586 to

2-1595, 3-148, 39-2215, and 77-913, and from the Temporary School Fund; and

(iv) Funds used to pay for the first year's implementation of any new program established by state law; and

(b) For school districts, state aid shall have the definition found in section 3 of this act.

Sec. 15. Except as provided in section 16 of this act, no governing body of any political subdivision shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated combined receipts from state aid and property taxes, for any fiscal year beginning with fiscal year 1990-91, exceed the total of (a) the receipts from state aid and property taxes for the base year at the rate of two percent and (b) the amount for new programs as designated by the Legislature at the rate of two percent from the year of implementation.

For political subdivisions that consolidate after the effective date of this act, the percentage increase shall be computed based on the combined receipts from state aid and property taxes of the subdivisions in the fiscal year immediately preceding consolidation.

Sec. 16. (1) If a majority of the members of the governing body of a political subdivision determines that an increase in property taxes greater than the increase permitted by section 15 of this act is required for the coming fiscal year, the governing body shall call a special election for the purpose of placing the question of such increase before the voters. The increase shall be adopted if approved by a majority of those voting on the question. Voting at such special election shall be by those persons who are authorized to vote for members of the governing body of such political subdivision.

(2) Notice of the election held pursuant to subsection (1) of this section shall state the date on which the election is to be held and the hours the polls will be open. The notice shall be published in a newspaper that is published in or of general circulation in the political subdivision at least five days before the election. If no newspaper is published in or of

general circulation in the political subdivision, notice shall be posted at least five days before the special election in each of three public places in the political subdivision.

(3) The governing body shall submit the question to the voters in the following form:

The (name of political subdivision) proposes to request a (number) percent increase in the total property taxes levied on its behalf. Such increase is greater than the increase permitted by section 15 of this act.

A vote FOR the proposal will allow the (name of political subdivision) to increase the total property taxes levied by (number) percent.

A vote AGAINST the proposal will limit the (name of political subdivision) to the total budget amount for the current fiscal year.

Sec. 17. A political subdivision which collects revenue in an amount greater than the budgeted amount shall place such greater amount in escrow in a commercial interest bearing account. Such greater amount shall not be part of any budgeted reserve. The escrowed amount shall be independently audited and publicly reported and shall be returned to the taxpayers of the political subdivision by crediting such amount as a receipt of revenue to the budget for the next fiscal year, and any revenue request for the next fiscal year shall be reduced in an amount equal to the escrowed amount.

Sec. 18. Total appropriations for the State of Nebraska funded with taxes and fees collected by the state shall not increase by more than two percent in any fiscal year over the total appropriations of the prior fiscal year, except that an increase of more than two percent shall be authorized only when legislation authorizing the increase receives the approval of at least four-fifths of the members of the Legislature to advance such legislation to final reading.".

2. On page 3, line 1; and page 43, line 18, strike "24" and insert "21".

3. On page 4, line 21, after the underscored semicolon insert "and"; and strike beginning with the underscored semicolon in line 24 through line 25.

4. On page 5, strike beginning with line 1

through "districts" in line 4.

5. On page 6, strike beginning with "General" in line 18 through "(13)" in line 22; and in line 24 strike "(14)" and insert "(13)".

6. On pages 7 and 8, renumber the remaining subsections accordingly.

7. On page 30, line 19, after the semicolon insert "and"; and strike beginning with the semicolon in line 23 through line 25 and insert an underscored period.

8. On page 31, strike line 1; and in line 20 strike beginning with the first comma through the second comma.

9. On page 32, line 2, after the comma insert "and"; and strike beginning with the comma in line 3 through "patterns" in line 4.

10. On page 38, line 24, strike "21" and insert "13".

11. Renumber the remaining sections and correct internal references accordingly.

Mr. Schmit withdrew his pending amendment.

Mr. Abboud and Mrs. Smith reoffered the amendment, AM2953, found in the Journal on page 1303.

The Abboud-Smith amendment lost with 4 ayes, 9 nays, 26 present and not voting, and 10 excused and not voting.

Mr. Withem offered the following Warner amendment:
AM3115

1. On page 36, line 15, after the second comma insert "or on the operative date of this section, whichever is later.".

The Warner amendment was adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Mr. McFarland renewed his pending amendment (2), AM2915, found in the Journal on page 1288.

The McFarland amendment lost with 14 ayes, 15 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Conway offered the following amendment:
AM3140

1. Insert the following new sections:

"Sec. 22. For purposes of sections 22 to 25 of this act:

(1) Adopted budget statement shall have the definition found in section 13-503;

(2) Base year shall mean fiscal year 1989-90;

(3) Fiscal year shall have the definition found in section 13-503;

(4) Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district;

(5) Growth shall mean any property tax revenue received as the result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any personal property not listed for taxation in the previous year but shall not include any increased property tax revenue received due to a change in valuation of a class or subclass of property or to revaluations of individual properties; and

(6) Property taxes shall mean all revenue received from the levy of taxes on real and personal property, including receipts from reimbursements under sections 77-3523 and 77-4205, but shall not include property taxes collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices or, for all fiscal years after fiscal year 1990-91, revenue received as a result of growth.

Sec. 23. Except as provided in sections 24 and 25 of this act, no governing body shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated receipts from property taxes, for any fiscal year beginning with fiscal year 1990-91, exceed the receipts from property taxes for the base year compounded annually at the rate of four percent for each fiscal year.

For political subdivisions that consolidate after the effective date of this act, the percentage increase shall be computed based on the combined receipts from property taxes of each subdivision in the fiscal year immediately preceding consolidation.

Sec. 24. A governing body may increase property taxes by one percent more than the increase permitted by section 23 of this act upon an affirmative vote of at least seventy-five percent of the governing body. Such vote shall be taken at a public meeting of the governing body following a special public hearing called for the purpose of receiving testimony on such proposed increase. The governing body shall give at least seven calendar days' notice of such public hearing and shall publish such notice at least once in a newspaper of general circulation in the political subdivision.

Sec. 25. (1) If a majority of the members of the governing body determines that an increase in property taxes greater than the increases permitted by sections 23 and 24 of this act is required for the coming fiscal year, the governing body shall call a special election for the purpose of placing the question of such increase before the voters. The increase shall be adopted if approved by a majority of those voting on the question. Voting at such special election shall be by those persons who are authorized to vote for members of the governing body.

(2) Notice of the election held pursuant to subsection (1) of this section shall state the date on which the election is to be held and the hours the polls will be open. The notice shall be published in a newspaper that is published in or of general circulation in the political subdivision at least five days before the election. If no newspaper is published in or of general circulation in the political subdivision, notice shall be posted at least five days before the special election in each of three public places in the political subdivision.

(3) The governing body shall submit the question to the voters in the following form:

The (name of political subdivision) proposes to request a (number) percent increase in the total property taxes levied on its behalf. Such increase is greater than the increases permitted by sections 23 and 24 of this act.

A vote FOR the proposal will allow the (name of political subdivision) to increase the total property taxes levied by (number) percent.

A vote AGAINST the proposal will limit the (name of political subdivision) to the increases permitted by sections 23 and 24 of this act.

Sec. 26. Sections 22 to 25 of this act shall terminate on July 1, 1992.".

2. On page 3, line 1; and page 43, line 18, strike "24" and insert "28".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Conway amendment was adopted with 29 ayes, 7 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to reconsider the Smith amendment, AM2952, found in the Journal on page 1303.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 21:

Ashford
Beck
Beyer
Byars
Chambers
Chizek
Coordsen
Dierks
Goodrich
Hannibal
Johnson, R.
Korshoj
Kristensen
Lindsay
Morrissey
Pirsch
Robak
Rogers
Schellpeper
Smith
Wesely

Voting in the negative, 25:

Abboud
Baack
Barrett
Bernard-Stevens
Conway
Crosby
Elmer
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Lamb
Landis

Langford
Lynch
McFarland
Moore
Nelson
Peterson
Scofield
Warner
Wehrbein
Weihing
Withem

Present and not voting, 1:

Schimek

Excused and not voting, 2:

Labedz
Schmit

The Chambers motion to reconsider lost with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 12:

Abboud
Ashford
Beck
Chambers
Hannibal
Labedz
Lamb
Langford
McFarland
Peterson
Pirsch
Schmit

Present and not voting, 3:

Crosby	Robak	Wesely

Advanced to E & R for engrossment with 34 ayes, 12 nays, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1141. Placed on Select File as amended. (E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7196.)

LEGISLATIVE BILL 1141A. Placed on Select File.
LEGISLATIVE BILL 958. Placed on Select File.
LEGISLATIVE BILL 571A. Placed on Select File.
LEGISLATIVE BILL 1222A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 220A, 369A, 880A, and 1146.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 1146

The following changes, required to be reported for publication in the Journal, have been made:
ER6271

1. In the Lynch amendment, AM3052, on page 1, line 10, "such" has been inserted after "in"; and in line 11 "77-2320" has been struck.
2. In the Schmit-Wesely amendment, AM3043, on page 4, line 10, the first "and" has been struck.
3. On page 1, the matter beginning with "banking" in line 1 through line 5 and all amendments thereto have been struck and "financial institutions; to amend sections 72-1263 and 72-1269, Reissue Revised Statutes of Nebraska, 1943, sections 8-903 and 77-2326.01, Revised Statutes Supplement, 1988, and sections 77-2321, 77-2326.04, 77-2326.08, and 77-2326.09, Revised Statutes Supplement, 1989; to change restrictions on certain bank holding companies and other companies as prescribed; to provide requirements for the deposit or redeposit of public funds in certain subsidiary banks as prescribed; to change provisions relating to the

substitution of securities by depositories of public funds; to define and redefine terms; to provide for the deposit of public funds of county judges and clerks of the county court; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

March 21, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 348, 542, 594, 965, 1032, 1236, and 1094 were received in my office on March 19, 1990.

These bills were signed by me on March 21, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 382. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study the agricultural commodity checkoff boards. The resolution shall include, but not be limited to:

(1) A review of the composition, structure, and operating procedures of the boards;

(2) an assessment of the relative merits of elected or appointed board members and the length of terms;

(3) A study of the statutory accountability for the use of checkoff money;

(4) An evaluation of the statutory compliance with and possible supersession of federal checkoff laws; and

(5) Suggested legislative changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 383. Introduced by Hall, 7th District; Wesely, 26th District; Lamb, 43rd District.

PURPOSE: The purpose of this study is to examine the various transportation services and benefits offered to persons with mental handicaps, persons with physical handicaps, and senior citizens. Services and benefits are provided by different state and local agencies and are funded by several state and federal government programs. The study should examine whether coordination of services, benefits, and funding would provide greater benefits to current and potential recipients.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

AM3119

(Amendments to Standing Committee amendments, AM2742)

1. Strike sections 5 and 8 to 12.

2. On page 4, line 13, strike beginning with "four" through "hundredths", show the old matter as stricken, and insert "five".

3. On page 13, line 16, reinstate the stricken "and"; and in lines 23 and 24 strike the new matter.

4. On page 14, lines 1 through 6, strike the new matter.

5. On page 24, line 3, strike "to 12 and 14" and insert "6, and 8"; and strike beginning with "sections" in line 8 through "77-2715.07" in line 9 and insert "section 77-2704".

6. Renumber the remaining sections accordingly.

SPEAKER BARRETT PRESIDING

SELECT FILE

LEGISLATIVE BILL 1059A. Mr. Hall offered the following amendment:

AM3138

1. Strike original sections 3 and 4 and insert the following new section:

"Sec. 3. There is hereby appropriated (1) $35,045 from the General Fund for FY1990-91 and (2) $593,790 from the General Fund for FY1991-92, to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section for FY1990-91. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $288,326 for FY1991-92.

It is the intent of the Legislature that pursuant to section 77-2753 the Tax Commissioner shall adjust the Nebraska withholding tables prior to July 1, 1990, to fully reflect the increase in the income tax rate for 1990 provided by Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990.".

2. Renumber the remaining sections

accordingly.

The Hall amendment was adopted with 26 ayes, 2 nays, and 21 present and not voting.

Mr. Withem offered the following amendment:
AM3131

1. On page 18, line 1, strike "$93,730,000" and insert "$83,307,600"; in line 2 strike "$105,184,000" and insert "$86,056,750"; in line 12 strike "$251,233,100" and insert "$248,158,500"; and in line 13 strike "$256,425,100" and insert "$275,552,350".

Mr. Warner offered the following amendment to the pending Withem amendment:
FA415

On page 1 line 4 strike "248,158,500" and insert "229,108,500"

The Warner amendment was adopted with 26 ayes, 1 nay, and 22 present and not voting.

The Withem amendment, as amended, was adopted with 26 ayes, 1 nay, and 22 present and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1031. E & R amendment, AM7194, found in the Journal on page 1437 for the Forty-Eighth Day, was adopted.

Mr. Warner withdrew his pending amendment, AM3009, found in the Journal on page 1390.

Mr. Warner renewed the pending Appropriations Committee amendment, AM3088, found in the Journal on page 1504.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Appropriations Committee amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Messrs. Haberman, Schellpeper, Coordsen, Warner, Ashford, and Wesely renewed their pending amendment, AM3104, found in the Journal on page 1524.

The Haberman et al. amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 384. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District: Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: Despite the fact that legislative activity in recent years has evidenced a high level of concern with solid waste management and disposal, little attention has been paid to the potential of new technologies that provide feasible and economical options for eliminating municipal solid waste by converting it into a usable source of electric energy.

Last legislative session saw the introduction of LB 788, the purpose of which was to provide a framework for municipality and public power district cooperation in creating an efficient and cost-effective waste-to-energy facility. The bill resulted from a joint state and local study on the possibility of establishing a waste-to-energy facility in Bellevue. The study pointed out the need for some sort of long-term agreement between the municipality and the power district on the price to be paid for the electricity generated by burning of the waste.

At the public hearing on LB 788, testimony from around the state pointed out the need to refine the provisions of the bill to avoid problems and potential higher future costs to the public power industry in this state.

The function of this study would be to review the existing form of LB 788 and, with the cooperation of the public power industry, determine how best to redraft it to allay its concerns for the future. An attempt will be made to determine whether this technology can indeed provide some feasible solutions for Nebraska's municipal solid waste disposal problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to review the legislation and statutes regarding underground petroleum storage tanks, including the Petroleum Release Remedial Action Act, and to suggest possible improvements, if any, to the present statutory scheme particularly in the areas of lender security interests, fund reimbursement, and program administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 386. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District: R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to study degradable products. The study shall include a review of:

(1) Laws and rules and regulations proposed or enacted in other states or by the federal government to regulate or control the use, sale, manufacture, or disposal of degradable products;

(2) The state of the technology used to produce degradable products;

(3) The types of degradabilities and their effectiveness;

(4) The types of degradable products available and their quality;

(5) Materials used to manufacture degradable products;

(6) The environmental impact of degradable products; and

(7) Any trends in this field and the economic impact of such trends.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 387. Introduced by R. Johnson, 34th District.

PURPOSE: The purpose of this resolution is to study whether and under what conditions Nebraska should assume administration of the Federal Insecticide, Fungicide, and Rodenticide Act. Questions shall relate to, but not be limited to, designation of the state lead agency, administrative and enforcement duties of the lead agency, program funding, personnel requirements, and relationship of the Federal Insecticide, Fungicide, and Rodenticide Act to other Environmental Protection Agency proposals concerning endangered species, groundwater protection, farm worker protection, and pesticide residue standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388. Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the request by the Nebraska Indian Community College for funding assistance from the State of Nebraska for providing educational services to non-Indian students attending the Nebraska Indian Community College in northeast Nebraska. The study shall emphasize, but not be limited to, determining the percentage of non-Indian students attending the college and a cost determination as comparable to allocations received from the Bureau of Indian Affairs for Indian students enrolled at the college.

Additionally, the study shall assess any need for changes that may be needed in state law in order to facilitate a more fair and equitable financial assistance to the Nebraska Indian Community College for educating non-Indian students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Elmer, 38th District; Lamb, 43rd District; Morrissey, 1st District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to authorize an interim study to develop a comprehensive plan for solid waste management in the State of Nebraska with particular emphasis on the unique problems of solid waste management confronting rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: As environmental protection issues continue to grow in dimension and complexity, the demands placed upon the Department of Environmental Control have also increased significantly. Since the creation of the department in the early 1970s several programs have been added to the jurisdiction of the department for regulation and oversight. These include leaking underground storage tanks, wastewater treatment facilities, hazardous waste, low-level radioactive waste disposal, Superfund sites, chemigation, and solid waste. As actions of the federal government increase the enforcement duties of the states, federal funding for these activities are not increasing at a similar rate. The purpose of this study is to assess the ability of the department to respond to these increasing demands and whether budgetary, statutory, staffing, and organizational changes may be necessary to better respond to environmental protection needs. In conducting the study consideration shall be given to:

(1) Legal and financial issues through an examination of the department's level of resources and authority to thoroughly address liability issues and monitor legal developments with regard to environmental and financial responsibility issues;

(2) Staff workload and specialization through a review of staff workload, including the possible need to hire additional staff and specialists due to increased workloads and more complex issues;

(3) Federal and state legislation through an analysis of how state and federal legislation have impacted the responsibilities of the department and its funding level, an examination whether state-mandated program budgets are adequate to meet the demand, and consideration of whether the department should be directed to report to the Legislature on an annual basis regarding the status of federal Environmental Protection Agency mandates and funding levels; and

(4) Environmental Control Council membership, powers, mandates, and authority and possible statutory revisions to the

membership of the council and its duties to better respond to the increase in complexity and scope of issues that it must address.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee, the Government, Military and Veterans Affairs Committee, the Judiciary Committee, and the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to provide for the examination of state laws regarding interstate and intrastate transfers of Nebraska ground and surface water in order to provide a system of law that encourages the dedication of water to its highest and best use thereby enhancing water-use efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: Nebraska grain and wheat producers incur a weight discount for the percentage of dockage which is grain pieces, grain dust, stems, hulls, chaff, and shrunken and broken kernels that is part of the wheat and other grain that they deliver to the market. Nebraska grain elevators use mechanical dockage testers or a sieving system to measure the percentage of dockage for calculating the amount to deduct from the gross delivered weight prior to settlement or payment for the grain. The dockage in wheat and other grains has a relatively high feed value for livestock for which farmers currently receive no payment. Incentives should be implemented that will encourage grain cleaning and utilization of screenings and dockage in Nebraska where a logical market exists within the livestock feeding industry. Such incentives will serve to upgrade the cleanliness and marketability of Nebraska grain to both foreign and domestic processors.

The purpose of this resolution is to (1) study the practice of discounting for the percentage of dockage, (2) investigate the feasibility of allowing farmers to keep the dockage and screenings or of not discounting for the price of dockage as is currently the practice, and (3) analyze incentives that will encourage grain cleaning and utilization of screenings and dockage in Nebraska markets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to provide an examination of issues affecting water quality in the State of Nebraska, including, but not limited to, ground water and surface water quality, use of agricultural chemicals, use of chemicals for lawns and gardens in cities and villages, the role of natural resources districts regarding water quality, the role of the various state agencies with authority in the area of water quality, identification of water quality problems and water quality maintenance programs, water quality restoration, and funding of activities related to water quality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

PURPOSE: The purpose of this resolution is to review the statutes regarding hazardous and toxic wastes. Particular emphasis shall be given to the handling, management, storage, regulation, use, and disposal of substances that contribute to the hazardous and toxic waste stream, including a review of available and needed funding for such activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 1246 in the Journal. No objections. So ordered.

AM3136

(Amendments to Standing Committee amendments, AM2877)

1. Insert the following new sections:

"Sec. 13. That section 29-2915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2915. If based on the information and conclusions in the presentence investigation the court determines that~~:~~ (1) ~~The~~ the defendant is a mentally disordered sex offender, ~~based on the information and conclusions in the presentence investigation;~~ (2) the disorder is treatable, ~~;~~ and (3) ~~such~~ treatment for the disorder is available in the state, the court shall~~,~~ ~~after first sentencing~~ sentence the defendant as provided by law for the offense for which he or she has been convicted~~,~~ and shall commit the defendant for treatment to one of the regional centers or other secure public institution as provided in section 83-1,147. If there is not sufficient space or sufficient medical or therapeutic professionals qualified to treat the defendant in the regional centers or other secure public institution, the defendant shall be placed in a regional center or secure public institution as soon as practicable after space and staff become available. The Director of Public Institutions or his or her designee shall report to the court every six months about the progress being made to place the defendant in treatment.

The defendant shall be committed for treatment until such time as the court determines based on the report filed by the Sentencing Review Committee established under section 29-2916 that the defendant is no longer mentally disordered or until the defendant has received the maximum benefit of treatment or will not respond to treatment, except that no sentence to treatment shall exceed the maximum length of such offender's sentence. If the defendant is sentenced to a county jail as a misdemeanant, he or she shall be entitled to have his or her jail sentence reduced while in the county jail or regional center pursuant to section 47-502. If the defendant is discharged from the regional center prior to the maximum length of such offender's sentence, further disposition shall be consistent with sections 29-2919 and 29-2920.

The entire proceeding to determine whether the defendant is a mentally disordered sex offender and treatable shall be deemed a critical stage of a criminal prosecution at which the defendant shall be accorded all the rights a defendant has in sentencing proceedings. The court's decision that the defendant is a mentally disordered sex offender and the decision to commit the defendant for treatment may be appealed. On appeal the presentence investigation shall be made part of the record of the court.

Sec. 14. That section 29-2918, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2918. (1) The Sentencing Review Committee shall annually or upon motion of the defendant review all records of mentally disordered sex offenders.

(2) Prior to any review ~~the regional center shall prepare and provide~~ a report shall be prepared and provided to the committee, which report shall include all data and all test results ~~all data, including test results, which are~~ relevant to the issues of whether the defendant still has a mental disorder or whether the defendant has received the maximum benefit of treatment. The committee, before making a final determination, may request from the appropriate regional center any additional information it deems necessary.

(3) The committee shall file a written report with the sentencing court on the results of its review. Such reports shall include reasons for the conclusions. The court shall, upon motion of either party, conduct a hearing on defendant's status upon receiving such written report from the Sentencing Review Committee. The court shall conduct such a hearing upon its own motion at least every four years.".

2. On page 22, line 4, after the fourth comma insert "29-2915, 29-2918,".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1031. Mr. Wesely offered the following amendment:
AM3126

(Amendments to Standing Committee amendments, AM2659)

1. On page 52, after line 4 insert the following:

"(2) Program No. 126 - Legislative Research

	FY1989-90	FY1990-91
GENERAL FUND	-0-	75,000
PROGRAM TOTAL	-0-	75,000

There is included in the appropriation to this program $75,000 to carry out the provisions of Legislative Resolution 368, Ninety-first Legislature, Second Session, 1990."; in line 5 strike "(2)" and insert "(3)"; in line 10 strike "(3)" and insert "(4)"; and in lines 18 and 19 adjust totals accordingly.

The Wesely amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Hannibal offered the following Appropriations Committee amendment:

AM3102

(Amendments to Standing Committee amendments, AM2659)

1. On page 20, line 17, strike "31,116,857" and insert "31,372,693" and strike "34,181,806" and insert "35,042,433"; in line 21 strike "43,304,385" and insert "43,560,221" and strike "46,206,577" and insert "47,067,204"; and in line 23 strike "$23,305,479", show as stricken, and insert "$23,348,757".

2. On page 21, line 2, strike "$23,339,619", show as stricken, and insert "$23,886,490".

3. On page 22, after line 6 insert:

"There is included in the appropriation to this program for FY1989-90 $255,836 General Funds and for FY1990-91 $860,627 General Funds for the treatment of mentally disordered sex offenders, which shall only be used for such purposes.".

4. On page 39, line 20, strike "76,932,313" and insert "77,188,149" and strike "81,520,690" and all amendments thereto and insert "84,606,441"; and in line 24 strike "120,948,008" and insert "121,203,844" and strike "124,852,878" and all amendments thereto and insert "127,938,629".

The Appropriations Committee amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Wehrbein offered the following Appropriations Committee amendment:

AM3123

1. Insert the following new section:

"Sec. 75. It is the intent of the Legislature that the Department of Personnel may expend an amount not to exceed $75,000 from the interest income earned on the State Employees Insurance Fund, a trust fund which is appropriated in Laws 1989, LB 813, section 90, in order to address the legal and tax issues associated with establishing a flexible spending account system and to acquire the computer hardware and software associated with such system.".

2. Renumber the remaining sections accordingly.

Mrs. Robak and Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

The Appropriations Committee amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Ms. Scofield offered the following Appropriations Committee amendment:

AM3128

1. On page 70, after line 16 insert:

"(3) Program No. 648 - Nebraska State Historical Society

	FY1989-90	FY1990-91
GENERAL FUND	7,500	-0-
PROGRAM TOTAL	7,500	-0-

No expenditures for personal services shall be made from funds appropriated in this section.

There is included in the appropriation $7,500 General Funds for FY1989-90 to be expended only toward the acquisition of the circa 1876-1877 Red Cloud Agency ledger which contains a complete census of the Indians at Fort Robinson during this time period."; in line 20 strike "20,049" and insert "27,549"; and in line 22 strike "77,240" and insert "84,740".

The Appropriations Committee amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following Appropriations Committee amendment:
AM3137

(Amendments to Standing Committee amendments, AM2659)

1. On page 53, strike beginning with "to" in line 2 through "reached" in line 11 and insert "but shall utilize existing resources to study and prepare and submit to the Appropriations Committee of the Legislature by December 1, 1990, a report on the specifics of the feasibility and estimated costs of instituting a fuel quality testing program. The study shall evaluate to the extent possible all information on the subject which is available to the department, including information and data collected by the department through the authority of Laws 1984, LB 769, and any additional information the department may collect, including experiences of other states. The report shall include a range of possible scopes of such a fuel quality testing program and the cost of each scope if implemented. The report shall also include a consideration of possible funding sources for the program, including the feasibility of funding the program or purchasing equipment and facilities needed for the program from that portion of commissions received from importing and special fuel dealers that exceed the upper limit of required collections pursuant to section 66-610.02 and excess funds from the Petroleum Release Remedial Action Cash Fund once the statutory fund balance is reached".

The Appropriations Committee amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following Appropriations Committee amendment:
AM3135

1. Insert the following new section:

"Sec. 73. Program 905. The Department of Administrative Services is hereby authorized to complete the mural program in the State Capitol Building pursuant to the plans developed under subsection (3) of section 79, Laws 1988, LB 1041. There is hereby appropriated $95,000 from the State Building Fund for FY1990-91 to aid in completing the mural program. It is the intent of the Legislature that $95,000 from the State Building Fund be appropriated in each of the next three fiscal years to aid in completing the mural program. The total cost to complete the mural program shall not exceed $530.000.”.

2. Renumber remaining sections accordingly.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Nelson moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Appropriations Committee amendment was adopted with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Moore offered the following amendment:
AM2930

1. On page 67, strike lines 14 through 25.

2. On page 68, strike line 1; in line 2 strike “(4)” and insert “(3)”; and in line 18 strike “(5)” and insert “(4)”.

3. On page 69, line 7, strike “(6)” and insert “(5)”.

Mr. Hall and Mrs. Beck asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 7:

Hannibal Korshoj Morrissey Pirsch Smith
Hartnett Moore

Voting in the negative, 30:

Baack Barrett

Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Lindsay
McFarland
Peterson
Rogers
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Present and not voting, 6:

Ashford
Dierks
Labedz
Langford
Nelson
Schmit

Excused and not voting, 6:

Abboud
Beck
Beyer
Hall
Lynch
Robak

The Moore amendment lost with 7 ayes, 30 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Goodrich offered the following amendment:
AM3078
1. Strike the Chambers amendment, AM2994.

Mr. Morrissey asked unanimous consent to be excused. No objections. So ordered.

Mr. Goodrich moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Goodrich requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Coordsen
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Lamb
Langford
Peterson
Pirsch
Schellpeper
Wehrbein

Voting in the negative, 14:

Baack
Bernard-Stevens
Chambers
Chizek
Conway
Kristensen
Labedz
Landis
Lindsay
Moore
Schimek
Smith
Wesely
Withem

Present and not voting, 14:

Barrett
Byars
Crosby
Dierks
Hannibal
Hartnett
Johnson, R.
Korshoj
McFarland
Nelson
Rogers
Scofield
Warner
Weihing

Absent and not voting, 2:

Ashford
Schmit

Excused and not voting, 7:

Abboud
Beck
Beyer
Hall
Lynch
Morrissey
Robak

The Goodrich amendment lost with 12 ayes, 14 nays, 14 present and not voting, 2 absent and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1125. E & R amendment, AM7189, found in the Journal on page 1439 for the Forty-Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1170. E & R amendment, AM7188, found in the Journal on page 1439 for the Forty-Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 536. E & R amendment, AM7190, found in the Journal on page 1439 for the Forty-Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1220. E & R amendment, AM7193, found in the Journal on page 1439 for the Forty-Eighth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1126. Advanced to E & R for engrossment.

LEGISLATIVE BILL 899. E & R amendment, AM7192, found in the Journal on page 1440 for the Forty-Eighth Day, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1141 in the Journal. No objections. So ordered.

AM3106

(Amendments to E & R amendments, AM7196)

1. On page 3, line 14, strike "four" and insert "three".

2. On page 9, line 10, strike "30" and insert "1".

3. On page 31, line 8, after "areas" insert ", to be appointed by a statewide association of technical community college area boards".

Messrs. L. Johnson and Byars asked unanimous consent to print the following amendment to LB 920 in the Journal. No objections. So ordered.

AM3111

1. Insert the following new sections:

"Sec. 3. There is hereby created the Personal Property Tax Reimbursement Fund to be administered by the State Treasurer. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 4. (1) Beginning July 15, 1990, the State Treasurer shall make distributions from the Personal Property Tax Reimbursement Fund to each county treasurer as reimbursement of the amount of the 1988 personal property tax refunded or required to be refunded by the county treasurer as a result of the judgments and mandates of the Nebraska Supreme Court in the pipeline equalization lawsuits for tax year 1988. The reimbursement to each county treasurer shall be in the amount determined by the Tax Commissioner as the actual tax dollar loss as a result of the recertification ordered by the State Board of Equalization and Assessment.

(2) The county treasurer shall credit the funds received from the Personal Property Tax Reimbursement Fund to the funds in his or her possession belonging to any political subdivision to the extent that the subdivision is liable for repayment of 1988 personal property taxes by the centrally-assessed pipeline companies.

(3) If the Personal Property Tax Reimbursement Fund is insufficient to cover all reimbursements in full, such funds shall be distributed to such county treasurers for distribution as follows:

(a) To school districts, counties, cities, technical community colleges, and natural resources districts, as reimbursement for the refunds granted to pipeline companies for tax year 1988, an amount equal to the amount of such refund that exceeds one percent of the tax dollars received from property tax sources for tax year 1988, excluding bonded indebtedness, as determined by the Tax Commissioner;

(b) To all political subdivisions other than those set out in subdivision (a) of this subsection, as reimbursement for the refunds granted to the pipeline companies for tax year 1988, an amount equal to the amount of such refund as determined by the Tax Commissioner. If the amount appropriated is not sufficient to cover the reimbursement provided for in this subdivision, the amount shall be prorated as determined by the Tax Commissioner; and

(c) The amount remaining after the distributions are made pursuant to subdivisions (a) and (b) of this subsection shall be distributed to school districts, counties, cities, technical community colleges, and natural resources districts in an amount equal to the refunds granted to pipeline companies for tax year 1988, except that the amount shall not exceed one percent of the tax dollars received from property tax sources for tax year 1988 as determined by the Tax Commissioner. If the amount appropriated is not sufficient to cover the reimbursement provided for in this subdivision, the amount shall be prorated as determined by the Tax Commissioner.

Sec. 5. There is hereby appropriated $2,600,000 from the General Fund for FY1990-91, to the Department of Revenue, for Program 919, to aid in carrying out the provisions of sections 3 and 4 of this act.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 6. There is hereby appropriated $875,000 from the General Fund for FY1990-91, to the Department of Revenue, for Program 919, to aid in carrying out the provisions of sections 3 and 4 of this act.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 7. There is hereby appropriated $875,000 from the General Fund for FY1990-91, to the Department of Revenue, for Program 919, to aid in carrying out the provisions of sections 3 and 4 of this act.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 1019. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as co-introducer to LR 328. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fourth grade students and teachers from Yutan Elementary.

ADJOURNMENT

At 6:28 p.m.. on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 22, 1990

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY - MARCH 22, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 22, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Sharon Shields, Regional Office of Christian Church of Nebraska (Disciples of Christ) and United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Conway, Haberman, Hall, Hannibal, R. Johnson, Landis, Lindsay, McFarland, Moore, Schellpeper, Warner, Withem, Mmes. Beck, Pirsch, and Ms. Schimek who were excused until they arrive.

MR. KORSHOJ PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 1417, line 7, strike "amendment" and insert "motion to return."
The Journal for the Forty-Eighth Day was approved as corrected.
The Journal for the Fiftieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1018, 1090, and 1090A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 1090

The following changes, required to be reported for publication in the Journal, have been made:
ER6272

1. In the E & R amendments, AM7171, on page 1, lines 8 and 9, "in rural Nebraska" has been struck.
2. On page 1, line 3, "79-1004," has been inserted after the fourth comma; and in line 10 "and" has been struck and "and 79-3505," has been inserted after the last comma.
3. On page 2, line 3, "to restate ages as prescribed;" has been inserted after the semicolon; in line 4 "to change provisions relating to meetings of the board of education of a Class V school district;" has been inserted before "to"; and in line 16 "to eliminate a certification date from the Help Education Lead to Prosperity Act;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 304. Read. Considered.

LR 304 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 308. Read. Considered.

LR 308 was adopted with 28 ayes, 0 nays, and 21 not voting.

SPEAKER BARRETT PRESIDING

SELECT FILE

LEGISLATIVE BILL 920. Messrs. L. Johnson and Byars renewed their pending amendment, AM3111, found in the Journal on page 1569.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Haberman requested a record vote on the L. Johnson-Byars amendment.

Voting in the affirmative, 29:

Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Johnson, L.
Labedz
Langford
Lynch
Moore
Morrissey
Nelson
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 9:

Abboud
Chambers
Korshoj
Lamb
Lindsay
Pirsch
Robak
Rogers
Schmit

Present and not voting, 5:

Chizek
Crosby
Hefner
Landis
Peterson

Excused and not voting, 6:

Beck
Hall
Johnson, R.
Kristensen
McFarland
Withem

The L. Johnson-Byars amendment was adopted with 29 ayes, 9 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Schmit requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 5 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 898. E & R amendment, AM7191, found in the Journal on page 1439 for the Forty-Eighth Day, was adopted.

Mr. Schmit offered the following amendment:
AM3037

1. Insert the following new section:

“Sec. 4. The Board of Regents of the University of Nebraska is hereby authorized to plan through the design-development phase a public events center/headquarters building at the University of Nebraska Agricultural Research and Development Center at Mead, Nebraska. There is hereby appropriated $190,000 from the State Building Fund for FY1989-90 for such planning. The total project cost shall not exceed $2,889,661.”.

Mr. Schmit moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Ms. Scofield requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 27:

Abboud
Ashford
Barrett
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hartnett
Hefner
Johnson, R.
Korshoj
Labedz
Lamb
Langford
McFarland
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Wehrbein
Wesely

Voting in the negative, 13:

Baack
Bernard-Stevens
Haberman
Kristensen
Landis
Lindsay
Moore
Morrissey
Schimek
Scofield
Smith
Warner
Weihing

Present and not voting, 5:

Byars
Hannibal
Johnson, L.
Peterson
Withem

Absent and not voting, 2:

Chambers
Lynch

Excused and not voting, 2:

Beck
Hall

The Schmit amendment was adopted with 27 ayes, 13 nays, 5 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield offered the following amendment:
FA416
Add the emergency clause.

The Scofield amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1246A. Introduced by Wesely, 26th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1246, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1215 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3133.)

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Tuesday, April 3, 1990 1:00 p.m.
Board of Public Roads Classifications and Standards
Marvin Athey

William Lindholm
Robert J. Stutzman

Motor Vehicle Industry Licensing Board
Mike Gorges

(Signed) Howard Lamb, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the Lowell Johnson amendment to LB 920 and yes on the advancement of the bill.

(Signed) Doug Kristensen

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 1238. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3109.)

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1246. Title read. Considered.

Standing Committee amendment, AM2877, printed separately from the Journal and referred to on page 1249 for the Forty-First Day, was considered.

Messrs. Coordsen and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chizek renewed his pending amendment, AM3136, found in the Journal on page 1560, to the Standing Committee amendment.

The Chizek amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Ms. Schimek and Mr. Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 304 and LR 308.

GENERAL FILE

LEGISLATIVE BILL 1246. Considered.

MRS. LABEDZ PRESIDING

Messrs. Hefner and L. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 395. Introduced by Langford, 36th District.

WHEREAS, Mrs. Merle Rusmisell was born on March 27, 1890, and will soon be celebrating her 100th birthday; and

WHEREAS, Mrs. Rusmisell is a native of Broken Bow, Nebraska, who currently resides in California; and

WHEREAS, many of Mrs. Rusmisell's relatives live in Nebraska and will be with her in California to help her celebrate her birthday; and

WHEREAS, Mrs. Rusmisell should be congratulated on the occasion of her 100th birthday.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Mrs. Merle Rusmisell and her family.
2. That a copy of this resolution be sent to Mrs. Rusmisell.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1246 in the Journal. No objections. So ordered.

AM3156

(Amendments to Standing Committee amendments, AM2877)

1. Insert the following new section:

"Sec. 9. That section 28-712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-712. Upon the receipt of a report concerning abuse or neglect as required by section 28-711, it shall be the duty of the law enforcement agency to make a determination as to whether or not an investigation should be made and, if an investigation is deemed warranted because of alleged violations of section 28-707, to cause an investigation of the alleged abuse or neglect to be made, to take immediate steps to protect the abused or neglected child, and to institute legal proceedings if appropriate. The law enforcement agency shall notify the department ~~if~~ whether or not an investigation is undertaken by the law enforcement agency. Such notification shall be made on the next business day following receipt of the report.".

2. On page 22, line 3, after the final comma insert "28-712,".

3. Renumber remaining sections accordingly.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 21, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams, Donald D. - Lincoln	Nebraskans for Constitutional Governance
Bones, Amy S. - Omaha	Joslyn Liberal Arts Society
Christian, Cliff - Helena, MT	National Tax Limitation Committee (Withdrawn 90/01/31)
Recknor, John F. - Lincoln	Nebraska School Improvement Association (Withdrawn 90/03/20)
Wright, Norman H. - Omaha	Joslyn Liberal Arts Society

UNANIMOUS CONSENT - Members Excused

Messrs. Peterson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 551. E & R amendment, AM7131, found in the Journal on page 727 for the Twenty-Fifth Day, was adopted.

Mr. Lynch withdrew his pending amendment, AM2832, found in the Journal on page 1278.

Mr. Lynch renewed his pending amendment, AM3042, found in the Journal on page 1445.

The Lynch amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. McFarland and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 551A. Mr. Lynch renewed his pending amendment, AM3084, found in the Journal on page 1504.

The Lynch amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 799. E & R amendment, AM7174, printed separately from the Journal and referred to on page 1033 for the Thirty-Sixth Day, was adopted.

Mr. Beyer renewed his pending amendment, AM3003, found in the Journal on page 1371.

Mr. Lindsay offered the following amendment to the pending Beyer amendment:
AM3086

(Amendments to AM3003)

1. Insert the following new amendments:

"1. On page 10, strike lines 19 through 24.

2. On page 11, strike the new matter in lines 1 through 10 and lines 19 through 24; and in line 18 strike the new matter and reinstate the stricken matter.

4. On page 12, strike lines 1 to 6; in line 7 strike the new matter; strike beginning with 'and' in line 13 through the comma in line 16; and strike lines 18 through 24.

5. On page 13, strike lines 1 through 24.

7. On page 15, line 9, after 'manner' insert ', except that the director shall dismiss all proceedings against the operator under this section or reinstate the operator's license pursuant to section 60-505.02 upon receipt of a certified copy of the motor vehicle operator's plea of guilty or no contest to the trial court to the misdemeanor charge of driving under the influence of alcohol in the county or district court where the offense occurred which gave rise to the proceedings'.".

2. On page 1, strike line 1 and insert "3. On page 12,"; in line 2 strike beginning with the first "page" through the second semicolon; in line 5 after the first comma insert "strike beginning with 'alcohol' in line 1 through '(3)' in line 3; in

line 4 strike 'or (2)'; in line 10 strike 'ten' and insert 'fifteen working'; in line 12 strike 'not';" and in line 6 after the last quotation mark insert "; in line 15 strike '(4)' and insert '(3)'; and in line 16 after the period insert 'If no hearing is held within such twenty-day period, the matter shall be dismissed.'.".

3. Renumber the remaining amendments accordingly.

SPEAKER BARRETT PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Lindsay requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud
Ashford
Baack
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Hall
Hartnett
Korshoj
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Robak
Schellpeper
Scofield
Smith
Weihing
Wesely
Withem

Voting in the negative, 15:

Barrett
Beyer
Byars
Crosby
Dierks
Elmer
Hefner
Johnson, L.
Lamb
Langford
Peterson
Pirsch
Rogers
Warner
Wehrbein

Present and not voting, 3:

Goodrich
Hannibal
Johnson, R.

Absent and not voting, 1:

Haberman

Excused and not voting, 4:

Beck
Lynch
Schimek
Schmit

The Lindsay amendment was adopted with 26 ayes, 15 nays, 3 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Hannibal and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Lindsay requested a record vote on the Beyer amendment, as amended.

Voting in the affirmative, 21:

Abboud
Baack
Bernard-Stevens
Chizek
Conway
Hall
Hartnett
Korshoj
Labedz
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Robak
Schellpeper
Schimek
Weihing
Wesely
Withem

Voting in the negative, 17:

Barrett
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Johnson, L.
Lamb
Langford
Peterson
Pirsch
Rogers
Warner
Wehrbein

Present and not voting, 6:

Ashford
Chambers
Johnson, R.
Kristensen
Scofield
Smith

Excused and not voting, 5:

Beck
Hannibal
Hefner
Lynch
Schmit

The Beyer amendment, as amended, lost with 21 ayes, 17 nays, 6 present and not voting, and 5 excused and not voting.

Messrs. Landis and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner offered the following amendment:
AM3146

(Amendments to E & R amendments, AM7174)

1. Strike section 1.
2. On page 19, line 22, strike "2" and insert "1".
3. On page 21, lines 4 and 12, strike "29-1917,"; and strike beginning with "to" in line 15 through the first semicolon in line 16.
4. Renumber the remaining sections accordingly.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Barrett
Beyer
Byars
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Johnson, L.
Lamb
Langford
Peterson
Pirsch
Rogers
Warner
Wehrbein
Wesely

Voting in the negative, 16:

Abboud
Ashford
Baack
Bernard-Stevens
Chizek
Hall
Hartnett
Korshoj

Kristensen
Labedz
Landis
Lindsay
Morrissey
Robak
Schmit
Withem

Present and not voting, 9:

Coordsen
Lynch
Moore
Nelson
Schellpeper
Schimek
Scofield
Smith
Weihing

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Beck
Hannibal
Hefner
Johnson, R.
McFarland

The Warner amendment lost with 18 ayes, 16 nays, 9 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3143.)

Messrs. Schmit and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

The Kristensen amendment was adopted with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendment to LB 843 in the Journal. No objections. So ordered.

AM3149

1. On page 14, line 5, after the period insert: “If sufficient funds are not appropriated to fully fund the provisions of this section, the department shall make a proportionate reduction in each payment made pursuant to this section."; and on page 16, after line 13, insert the following new paragraph:

"If sufficient funds are not appropriated to fully fund the provisions of this section, the department shall make a proportionate reduction in each payment made pursuant to this section.".

Mr. Baack asked unanimous consent to print the following amendment to LB 931 in the Journal. No objections. So ordered.

AM3152

(Amendments to Standing Committee amendment, AM2642)

1. On page 4, line 13, strike "Officers", show as stricken, and insert "Directors"; and in line 24 strike "officers", show as stricken, and insert "directors".

SELECT FILE

LEGISLATIVE BILL 799. Mr. Lindsay withdrew his pending amendments, (1) AM2860, (2) AM2859, (3) AM2861, (4) AM2862, and (5) AM2863, found in the Journal on pages 1193 and 1194.

Mr. Hall offered the following amendment:
AM3155

(Amendments to E & R amendments, AM7174)

1. On page 15, line 1, after the period insert "The hearing shall be conducted in accordance with and the petitioner shall be accorded the rights prescribed in the Administrative Procedure Act.".

Mr. Hall withdrew his pending amendment.

Mr. Peterson offered the following amendment:
FA417

to add the E clause to LB 799.

The Peterson amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 315. Mr. Coordsen moved to bracket LB 315 until April 9, 1990.

Mr. Weihing asked unanimous consent to be excused. No objections. So ordered.

Mr. Coordsen withdrew his motion to bracket.

Mr. Bernard-Stevens offered the following Lynch amendment:
FA418
to strike AM2508 to LB 315 and all amendments to AM2508, and to strike AM2996 and all amendments thereto.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Mr. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lynch moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Lynch requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Abboud
Ashford
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Crosby
Goodrich
Hall
Hannibal
Hartnett
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Robak
Schimek
Schmit
Scofield
Wehrbein
Wesely
Withem

Voting in the negative, 10:

Beyer
Coordsen
Dierks
Elmer
Johnson, L.
Lamb
Langford
Peterson
Smith
Warner

Present and not voting, 5:

Barrett
Haberman
Kristensen
Rogers
Schellpeper

Excused and not voting, 6:

Baack
Beck
Hefner
Johnson, R.
Pirsch
Weihing

The Lynch amendment was adopted with 28 ayes, 10 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Ashford withdrew his pending amendment, AM3094, found in the Journal on page 1530.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud
Ashford
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Crosby
Goodrich
Haberman
Hall
Hannibal
Hartnett
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Schellpeper
Schimek
Schmit
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 11:

Barrett
Beyer
Coordsen
Dierks
Elmer
Lamb
Langford
Moore
Peterson
Rogers
Scofield

Excused and not voting, 6:

Baack
Beck
Hefner
Johnson, R.
Pirsch
Weihing

Advanced to E & R for engrossment with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Mrs. Langford and Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1019. Mr. Wesely withdrew his pending motion to indefinitely postpone.

Mr. McFarland withdrew his pending amendment, AM2907, found in the Journal on page 1277.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1019A. Advanced to E & R for engrossment.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1136. E & R amendment, AM7183, found in the Journal on page 1233 for the Forty-First Day, was adopted.

Mr. Landis withdrew his pending amendments, AM2781 and AM2918, printed separately from the Journal and referred to on pages 1137 and 1289.

Mr. Landis renewed his pending amendment, AM2973, printed separately from the Journal and referred to on page 1325.

Mr. Hall requested a division of the question on the Landis amendment.

Mr. Hall withdrew his request for a division of the question.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM3168

(Amendments to AM2585)

1. On page 80, line 20, after the period insert "The director shall hold a public hearing pursuant to the Administrative Procedure Act prior to approving an adjustment or increase to pool rates.".

The Wesely amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1222. E & R amendment, AM7182, found in the Journal on page 1235 for the Forty-First Day, was adopted.

Mr. Byars withdrew his pending amendment, AM2824, found in the Journal on page 1167.

Mr. Coordsen renewed his pending amendment, AM2916, found in the Journal on page 1294.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

Messrs. Coordsen and Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1222A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 42A. Advanced to E & R for engrossment.

Mr. Byars asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 923A. Mr. Wesely moved to indefinitely postpone.

The Wesely motion to indefinitely postpone prevailed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1244. E & R amendment, AM7184, found in the Journal on page 1338 for the Forty-Fourth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1063A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1241. E & R amendment, AM7195, found in the Journal on page 1469 for the Forty-Ninth Day, was adopted.

Mr. Chambers offered the following amendment:
FA419

Purpose: To require that a proportion of those employed by qualifying businesses are actually residents of the target area.

On page 32, of the original green copy of the bill, on line 8, after the period, insert the following new language:

An eligible business receiving financing from a business development corporation and employing more than fifteen individuals within the boundaries of the target area shall be required to guarantee that during any twelve month period at least one third of the individuals employed for activities of the eligible business carried on within the target area shall be residents of the target area.

On page 34, in the original green copy of the bill, on line 8, delete the period and insert the following:

; and

(g) The eligible business has given adequate assurances and taken appropriate steps to guarantee that it will utilize to the greatest extent possible employees that are residents of the target area and that if it employs more than fifteen employees for activities within the target area, at least one third of the total employment force employed for activities within the target area during any twelve month period shall be residents of the target area.

The Chambers amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 931. E & R amendment, AM7197, found in the Journal on page 1470 for the Forty-Ninth Day, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

The Health and Human Services Committee asked unanimous consent to print the following amendment to LB 338 in the Journal. No objections. So ordered.

AM2921

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Health Insurance Access Act.

Sec. 2. The Legislature finds and declares that there is an increasing number of Nebraskans who lack health insurance and that these uninsured people include many individuals who cannot afford the rising cost of medical care but do not qualify for the various income-based welfare programs. The lack of financial means of uninsured people to pay for their medical care leaves health care providers with uncollectible debts which are transferred to other patients and to insurers. It is the purpose and intent of the Legislature to provide a mechanism to allow insurers to provide basic levels of health insurance to those people who are uninsured, are below certain income levels, and are not qualified for income-based welfare programs.

Sec. 3. For purposes of the Health Insurance Access Act:

(1) Department shall mean the Department of Insurance;

(2) Insurer shall mean any insurance company as defined in section 44-103 authorized to transact health insurance business in the State of Nebraska or a health maintenance organization which has obtained a valid certificate of authority;

(3) Medicare shall mean Parts A and B of Title XVIII of the Social Security Act, 42 U.S.C. 1395 et seq., as amended;

(4) Provider shall mean any physician or hospital who is licensed or authorized in this state to furnish medical care or hospitalization to any individual;

(5) Spell of illness shall mean a continuous period as a hospital inpatient or successive periods as a hospital inpatient when the date of discharge and the following date of admission are less than sixty consecutive days apart; and

(6) Uninsured access coverage shall mean that form of sickness and accident insurance covering individuals, with or without their dependents, issued

subject to the limitations and requirements in the act.

Sec. 4. (1) A policy shall limit eligibility to individuals or families:

(a) Whose gross income does not exceed one hundred eighty-five percent of income standards prescribed by the Federal Office of Management and Budget income poverty guidelines in effect on April 17, 1989, or as may be later amended; and

(b) Who are not eligible for medicare or any other medical assistance program, including, but not limited to, the program established pursuant to sections 68-1018 to 68-1025.

(2) Every policy shall specify the time period, not exceeding six months, for which any applicant shall demonstrate eligibility based upon the policy's income standards, and every policy shall specify what constitutes sufficient verification of income at the time of application and annual renewals.

(3) If an individual's or a family's income exceeds the policy's income eligibility standards, the policy shall allow a transfer to a designated type of individual contract without evidence of insurability and without interruption in coverage subject to payment of premiums. Each policy shall specify the type of individual contract to which an insured person may transfer.

Sec. 5. (1) A person shall not be eligible for initial or continued coverage if he or she:

(a) Is eligible as an employee or dependent for employer sponsored or maintained group insurance coverage;

(b) Is covered by any other type of hospital, surgical or medical expense incurred policy, or health maintenance organization contract; or

(c) Exceeds the policy's income eligibility standards at any time or at any annual renewal.

(2) A policy may require evidence of insurability but shall not use underwriting guidelines that are more strict than those normally used by the insurer for its regular individual health insurance contracts.

Sec. 6. (1) Every policy shall include hospital-only and surgical-only benefits which shall mean:

(a) In-hospital benefits for not less than thirty continuous days nor more than ninety continuous days for each spell of illness; and

(b) Surgical benefits for both inpatient and outpatient surgery.

(2) A policy may not:

(a) Use a definition of spell of illness more restrictive than the definition found in section 3 of this act; or

(b) Use a definition of preexisting condition more restrictive than the definition normally used by the insurer for its regular individual health insurance contracts.

(3) Every policy shall provide that the benefit payment shall be accepted as payment in full by the provider and there shall be no deductible or coinsurance charged to the insured.

Sec. 7. (1) Each policy shall include:

(a) A reasonable description of the geographic area or areas to be served; and

(b) A listing of the providers who have a contract with the insurers to furnish health care services.

Sec. 8. Notwithstanding any other provision of law, every policy shall be exempt from any and all mandated benefits which require coverage of any type of services or conditions.

Sec. 9. An insurer may enter into contracts to arrange for health services by certain providers, may limit the number and types of providers with which it contracts, and shall not be required to provide benefits for services furnished by providers who do not contract with the insurer.".

2. On page 1, strike beginning "public" in line 1 through "Services" in line 2 and insert "insurance; to adopt the Health Insurance Access".

EXPLANATION OF VOTE

Had I been present March 8, I would have voted no on LB 642.

(Signed) Sandra K. Scofield

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LR 383. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kathy, Mary, Henrietta Harre, and Wilma Murphy; 16 third and fourth grade students and teacher from Milligan; 25 third and fourth grade students and teacher from St. Leonard's, Madison; 28 high school students and teacher from Red Cloud; Dr. Lou and Beth Ninegar from Kearney; 29 seniors and teacher from Harvard; 51 Girl Scouts and leaders from Lexington, Sidney, Chadron, Rushville, North Platte, and Stapleton; 35 first through fifth grade students and teacher from Schuyler; and 30 fourth grade students and teacher from Weeping Water.

ADJOURNMENT

At 4:15 p.m., on a motion by Mr. Morrissey, the Legislature adjourned until 9:00 a.m., Tuesday, March 27, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 27, 1990

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 27, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Robert Bye, First Presbyterian Church, Plattsmouth, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Chambers, Chizek, Conway, Coordsen, Hall, R. Johnson, Lindsay, Schmit, Withem, Mmes. Beck, Labedz, and Pirsch who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1246. Placed on Select File as amended.
E & R amendment to LB 1246:
AM7198

1. In the Standing Committee amendment, AM2877:

a. On page 7, line 15, after "and" insert "take";

b. On page 11, line 16, strike the first comma and show as stricken;

c. On page 14, strike beginning with "pursuant" in line 5 through the comma in line 6 and show as stricken; and

d. On page 19, line 21, strike "to", show as stricken, and insert "the Attorney General shall".

2. On page 1, strike beginning with "criminal" in line 1 through the semicolon in line 3 and insert "crimes and punishments; to amend sections 23-1212, 23-1216, 23-1217, 23-1218, 23-1219, 23-1220, 23-1222, 29-110, 29-1420, 29-2011.02, 29-2011.03, 29-2915, 29-2918, 50-407, and 84-205, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change requirements and duties of the Nebraska Commission on Law Enforcement and Criminal Justice relating to continuing education for county attorneys as prescribed; to create a fund; to change the statute of limitations relating to certain offenses against a child; to permit transfer of certain grand jury evidence;"; in line 6 after the semicolon insert "to change provisions relating to treatment of mentally disordered sex offenders as prescribed; to create a Child Protective Division in the office of the Attorney General; to provide duties for the Attorney General;"; and in line 7 after the first semicolon insert "to provide severability;".

Correctly Engrossed

The following bills were correctly engrossed: 315, 536, 551, 551A, 799, 898, 899, 920, 1019, 1019A, 1031, 1125, 1126, 1136, 1170, and 1220.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 315

The following changes, required to be reported for publication in the Journal, have been made:
ER6285
1. In lieu of the Lynch amendment, FA418:
a. The Ashford amendment, FA411, has been struck;
b. The Coordsen amendment, AM2996, has been struck; and
c. In the E & R amendment, AM7179:
i. Sections 1 to 3, 5 to 15, and 18 have been struck;
ii. On page 34, line 16, "Sections 4 and 17 of this" has been struck and "This" inserted; and the matter beginning with "The" in line 17 through line 19 has been struck;
iii. The remaining sections have been renumbered; and
iv. Amendment 2 has been struck.
2. On page 1, line 4, "to provide an operative date;" has been inserted after the semicolon.

Enrollment and Review Change to LB 551

The following changes, required to be reported for publication in the Journal, have been made:
ER6281
1. In the Lynch amendment, AM3042:
a. On page 2, line 4, "Laboratory" has been struck and "Laboratories" inserted; and in lines 11 and 12 "the operative date of this section" has been struck and "such date" inserted; and
b. On page 5, line 7, "bases" has been struck and "basis" inserted; and in line 22 "and 30" has been struck and ", 30, 32, and 33" inserted.
2. In the Standing Committee amendment, AM2128:
a. On page 8, line 13, "by the laboratory" has been inserted after "to";
b. On page 9, line 3, "pursuant to section 17 of this act or which" and all amendments thereto have been struck and "that" inserted; and in line 4 "of" has been struck and "prescribed in section 18 of this act or" inserted; and
c. On page 15, line 12, "purpose" has been struck and "purposes" inserted.
3. On page 1, the matter beginning with the second "to" in line 1 through line 12 has been struck and "to adopt the Clinical Laboratories Certification Act; to provide operative" inserted; and in line 13 "date" has been struck and "dates" inserted.

Enrollment and Review Change to LB 551A

The following changes, required to be reported for publication in the Journal, have been made:
ER6282
1. On page 1, line 4, "; to require a transfer of funds and a study as prescribed; and to provide duties for the Department of Health" has been inserted after "1990".

Enrollment and Review Change to LB 799

The following changes, required to be reported for publication in the Journal, have been made:
ER6283
1. In the Kristensen amendment, AM3143:
a. On page 3, line 3, paragraphing has been inserted before "If";
b. On page 7, line 14, "of" has been inserted after "content";
c. On page 8, line 2, the new matter has been moved to follow "of" and "in" has been inserted before "such";
d. On page 9, lines 16 and 19; page 10, lines 16 and 19; page 11, lines 19 and 22; page 12, line 24; page 13, lines 4, 5, and 17; and page 14, lines 3, 5, and 8, "subsection" has been struck, shown as stricken, and "section" inserted;
e. On page 12, line 24, the stricken matter has been reinstated; and
f. On page 13, lines 1 and 4, the new matter has been struck; and in line 4 the stricken matter has been reinstated.
2. On page 1, lines 2 through 12 have been struck and "to amend sections 39-669.07, 39-669.08, 39-669.09, 39-669.11, and 39-669.14, Reissue Revised Statutes of Nebraska, 1943; to provide that a person convicted of driving under the influence of alcoholic liquor or drugs may be required to attend a drug treatment program; to provide for implied consent to a chemical test for the presence of drugs as prescribed; to provide for the admission into evidence of the refusal to submit to tests as prescribed; to eliminate a provision providing for a choice of tests; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 898

The following changes, required to be reported for publication in the Journal, have been made:
ER6279
1. On page 1, line 3, "and a public events center/headquarters building at Mead, Nebraska," has been inserted before "as"; in line

4 "and" has been struck; and in line 5 "; and to declare an emergency" has been inserted after "prescribed".

2. On page 2, line 18, a comma has been inserted after "Nebraska".

Enrollment and Review Change to LB 899

The following changes, required to be reported for publication in the Journal, have been made:
ER6276

1. In the Standing Committee amendments, AM2699, on page 2, line 10, "point" has been struck and "time" inserted.

Enrollment and Review Change to LB 920

The following changes, required to be reported for publication in the Journal, have been made:
ER6280

1. On page 1, line 1, "public safety" has been struck and "revenue" inserted; in line 2 "and the Personal Property Tax Reimbursement Fund" has been inserted after "Fund"; in line 4 "fund; and" has been struck and "funds;" inserted; and in line 5 "; and to appropriate funds" has been inserted before the period.

Enrollment and Review Change to LB 1019

The following changes, required to be reported for publication in the Journal, have been made:
ER6287

1. In the E & R amendment, AM7178, on page 1, line 5, "81-2301.20" has been struck and "81-1201.20" inserted.
2. On page 5, line 25, "and" has been inserted after the comma.
3. On page 6, line 1, the comma has been struck.

Enrollment and Review Change to LB 1031

The following changes, required to be reported for publication in the Journal, have been made:
ER6275

1. In the Appropriations Committee amendment, AM3135, section 73 has been renumbered as section 75.
2. In the Appropriations Committee amendment, AM3128, on page 1, line 12, "Indians" has been struck and "Native Americans" inserted.

3. In the Appropriations Committee amendment, AM3123, section 75 has been renumbered as section 78.

4. In the Appropriations Committee amendment, AM3102, on page 1, line 9, “22” has been struck and “24” inserted.

5. In the Wesely amendment, AM3126, on page 1, line 8, “for FY1990-91” has been inserted after “program”.

6. In the Haberman amendment, AM3104, on page 1, line 6 “for FY1989-90” has been inserted after “program”.

7. In the Standing Committee amendment, AM2659, on page 52, line 1, “for FY1989-90” has been inserted after “program”; in line 2 “and” has been struck and “.
There is included in the appropriation to this program for FY1989-90”; and in lines 18 and 19 “8,000” and all amendments thereto have been struck and “203,000” inserted.

8. In the E & R amendment, AM7194, on page 1, line 19 “$5,730,638” has been struck and “$5,730,628” inserted.

Enrollment and Review Change to LB 1136

The following changes, required to be reported for publication in the Journal, have been made:

ER6284

1. In the Wesely amendment, AM3168, on page 1, line 4, “to” has been inserted after “adjustment” and “to” has been struck and “in” inserted.

2. In the Landis amendment, AM2973, on page 7, line 6, “in” has been inserted after “or”.

3. In the E & R amendment, AM7183:

a. On page 3, line 19, “44-3603, 44-3604, 44-3605, 44-3606,” has been struck; and in line 22 “44-3602,” has been struck; and

b. On page 4, line 2, “to adopt the Managing General Agents Act;” has been inserted after the semicolon; the matter beginning with the first “to” in line 3 through the semicolon in line 4 has been struck; and in line 9 “to provide for the confidentiality of certain information and records of preferred providers and health care review committees as prescribed; to prohibit a restriction in medical benefit contracts regarding reimbursement for prescription drugs as prescribed; to provide a duty for the Revisor of Statutes;” has been inserted after the semicolon.

4. In the Standing Committee amendment, AM2585:

a. On page 26, line 21, “33” has been struck and “31” inserted; and

b. On page 63, line 5, “any” has been struck.

Enrollment and Review Change to LB 1220

The following changes, required to be reported for publication in the Journal, have been made:
ER6277
1. In the E & R amendment, AM7193, amendment 1 has been struck and the remaining amendment renumbered accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGE FROM THE GOVERNOR

March 23, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission of Industrial Relations, requiring legislative confirmation.

Appointee: Laurie Camp, 6300 Yellowstone Circle, Lincoln, NE 68510, (402) 483-5253.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:tr

RESOLUTION

LEGISLATIVE RESOLUTION 396. Introduced by Wesely, 26th District.

WHEREAS, the horrible crime of child abuse victimizes thousands of children every year in Nebraska; and

WHEREAS, child abuse not only physically harms the child who is abused but also leaves emotional scars that may never heal; and

WHEREAS, the state needs to support community action to help families break the cycle of abuse and improve family life; and

WHEREAS, every child is entitled to love, nurturing, and security.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the month of April be proclaimed Child Abuse Prevention Month.
2. That Nebraskans take this opportunity to learn more about and participate in activities supporting the prevention of child abuse.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 90019

DATE:	March 16, 1990
SUBJECT:	Constitutional Law. Construction of LB 870 in relation to Article XIII, Section 3, of the Nebraska Constitution
REQUESTED BY:	Senator Don Wesely Nebraska State Legislature
WRITTEN BY:	Robert M. Spire, Attorney General Marilyn B. Hutchinson, Assistant Attorney General

You have asked whether the Nebraska Medical Student Assistance Act as amended by LB 870 would violate Article XIII, Section 3, of the Nebraska Constitution. We have concluded it would unless the loans are determined to be for a public purpose, as discussed below.

LB 870 amends the Nebraska Medical Student Assistance Act by including students studying osteopathic medicine in the class eligible for such loans. There are no osteopathic medical schools in Nebraska, so LB 870 deletes the requirement in the act that the school attended by the recipient of a loan must be in Nebraska.

Article XIII, Section 3, provides:

> The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature.

Thus, there are one general rule and two exceptions to that general rule in that section of the constitution. The general rule has been interpreted as supporting "the fundamental principle that public monies may not be used for private purposes." State ex rel. Beck v. City of York, 164 Neb. 223, 225, 82 N.W.2d 269 (1957).

The Nebraska Medical Student Assistance Act comes within one of those exceptions now. If amended by LB 870 as proposed it will not. However, that fact alone will not make that act unconstitutional.

The Legislature may enact legislation consistent with the general rule in Article XIII, Section 3, even though it does not come within one of the exceptions in that section. See, State ex rel. Packard v. Nelson, 34 Neb. 162, 169-173, 51 N.W. 648 (1892), for a discussion of legislative powers. Thus, if the Nebraska Medical Student Assistance Act, as amended by LB 870, is consistent with the general rule in Article XIII, Section 3, it will not violate that section of the constitution.

To be consistent with the general rule, the low-interest long-term loans given to students by the state under the act must be for a public purpose. City of York, above.

> A public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment and the general welfare of all the inhabitants.

Platte Valley Public Power & Irrigation District v. County of Lincoln, 144 Neb. 584, 589, 14 N.W.2d 202 (1944). A loan can be for a public purpose even though it is given to individuals.

> "{T}he vital point in all such appropriations is whether the purpose is public; and that, if it is, it does not matter whether the agency through which it is dispensed is public or not; that the appropriation is not made for the agency, but for the object which it serves; the test is in the end, not in the means.'. . ."

Quoted in United Community Services v. The Omaha National Bank, 162 Neb. 786, 800, 77 N.W.2d 576 (1956).

"What is a public purpose is primarily for the Legislature to determine." United Community Services, above, at 797. The weight is on the side of the Legislature in case of any doubt. Oxnard Beet Sugar Co. v. State, 73 Neb. 66, 67, 105 N.W. 716 (1905). However, the court can and has substituted its judgment for that of the Legislature with regard to what is a public purpose. See, for example, City of York, above, at 230, and Oxnard Beet Sugar Co., above, at 68.

An amendment to the Constitution can change our fundamental law and validate acts which have been held to be invalid. See, State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 200, 202, 113 N.W.2d 63 (1962).

In this case the Legislature thought it had to change Article XIII, Section 3, in order to authorize loans from the state to Nebraska residents who are students at adult or post high school institutions in this state. State educators wanted such loans authorized so they could serve as matching funds for federal loan funds that would then be available to their students. See, Legislative History of Laws 1967, LB 823. The people adopted that amendment in 1968. Thus, if the sponsor of that legislation was correct, the Nebraska Medical Student Assistance Act cannot be constitutional if it no longer fits into the exception.

The Legislature which enacted the Nebraska Medical Student Assistance Act in 1978 not only fitted it into one of the exceptions in Article XIII, Section 3. It also stated the reasons for the loans: to make loans to medical students and to provide a financial incentive for such students to go into practice in a medical practice shortage area in this state. Neb.Rev.Stat. §71-5615 (Reissue 1986). LB 870 would not change those purposes except to include osteopathy students in the class eligible for such loans.

In conclusion, if LB 870 is enacted as proposed to delete the requirement that students receiving the loans must be attending institutions in this state, that fact will not make the resulting law unconstitutional unless the loans are not for a public purpose. We cannot predict whether the judgment of the court would agree with that of the Legislature on this point. Thus, by deleting the requirement that the institutions attended be in this state, you would put in question under Article XIII, Section 3, the constitutionality of the whole act.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
16-183-13

Opinion No. 90020

DATE: March 16, 1990

SUBJECT: Constitutionality of LB 897 - Pipeline Company Personal Property Tax Refund Reimbursement Fund

REQUESTED BY: Senator Howard Lamb
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the constitutionality of LB 897. Generally, LB 897 proposes to create a fund to provide reimbursement to taxing subdivisions in the state for losses sustained by the granting of refunds to pipeline companies of personal property taxes paid for 1988 by virtue of the Nebraska Supreme Court's decisions in Northern Natural Gas Co. v. State Board of Equalization and Assessment, 232 Neb. 806, 443 N.W.2d 249 (1989), cert. denied, 58 U.S.L.W. 3527 (U.S. Feb. 20, 1990), {"Northern"} and Trailblazer Pipeline Co. v. State Board of Equalization and Assessment, 232 Neb. 823, 442 N.W.2d 386 (1989), cert. denied, 58 U.S.L.W. 3527 (U.S. Feb. 20, 1990), {"Trailblazer"}. Your question concerns whether the establishment of a fund of this nature violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, or any provision of the State Constitution.

With regard to your question as to the possible implications of the Equal Protection Clause in this context, it is well established that the Equal Protection Clause of the Fourteenth Amendment has no application to the acts of a state against its political subdivisions. City of Trenton v. New Jersey, 262 U.S. 182 (1923); Triplett v. Tiemann, 302 F.Supp. 1239 (D.Neb. 1969). Thus, while LB 897 does impact taxing subdivisions of the state, the subdivisions themselves possess no right which may be legally subject to injury under the Equal Protection Clause. It is conceivable that taxpayers affected by the bill could attempt to assert a claim of injury cognizable under the Equal Protection Clause. See Triplett v. Tiemann, supra. As the subject matter of LB 897 does not implicate a fundamental right or suspect class, however, any Equal Protection Clause challenge would be limited to an inquiry as to whether the classification established bears a rational relationship to a legitimate state interest. Botsch v. Reisdorff, 493 Neb. 165, 226 N.W.2d 121 (1975); Porter v. Jensen, 223 Neb. 438, 390 N.W.2d 511 (1986).

As to the existence of a rational basis underlying the establishment of the fund created under LB 897, we believe the classification created under the bill could withstand scrutiny if challenged on equal protection grounds. While, as you note, the bill provides for distribution of state funds only to subdivisions facing revenue losses as a result of property tax refunds for 1988 arising out of the decisions in Northern and Trailblazer, and not for a distribution of state funds to all subdivisions in the state, the classification so established is reasonable and rationally based, as it furthers the purpose of reimbursing subdivisions faced with such revenue losses. The classification drawn by LB 897 in this manner thus appears to bear a rational relationship to a legitimate state purpose.

With regard to your question as to whether LB 897 would violate any portion of the Nebraska Constitution, the primary question which arises is whether the bill would violate the prohibition against special or local legislation in Article III, Section 18. In City of Scottsbluff v. Tiemann, 185 Neb. 256, 266, 175 N.W.2d 74, 81 (1970), the Nebraska Supreme Court stated the following regarding the Legislature's power to classify in light of this constitutional provision:

> 'It is competent for the Legislature to classify objects of legislation and if the classification is reasonable and not arbitrary, it is a legitimate exercise of legislative power. (Citation omitted.) The classification must rest upon real differences in situation and circumstances surrounding members of the class relative to the subject of the legislation which renders appropriate its enactment. (Citations omitted.) The power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent that the Legislature has by artificial and baseless classification attempted to evade and violate provisions of the Constitution prohibiting local and special legislation. (Citation omitted.) A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. (Citations omitted.)' (Emphasis in original.)

Furthermore, in Campbell v. City of Lincoln, 195 Neb. 703, 709, 240 N.W.2d 339, 342 (1976), the court stated:

> Classification is proper if the special class has some reasonable distinction from other subjects of a like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The question is always whether the things or persons classified by the act form by

themselves a proper and legitimate class with reference to the purpose of the act.

Applying these principles, we believe that, to the extent LB 897 is construed as creating separate classifications of subdivisions by providing for the distribution of state funds only to subdivisions facing revenue losses as a result of refunds ordered in light of Northern and Trailblazer, the classifications established are reasonable and related to the legitimate goal of reimbursing subdivisions faced with refunding property taxes for 1988 as a result of these court decisions. Indeed, in order for the bill to achieve the objective of reimbursement under these circumstances, it must necessarily distinguish between subdivisions which have suffered property tax losses by virtue of refunds of this nature, and subdivisions which were not affected in this manner.

We note that a number of Nebraska cases construing the limitation contained in Article III, Section 18, have struck down legislation on the ground that the classifications created unreasonable closed or frozen classes which precluded the opportunity for an increase in the members of the class by future growth or development. See, e.g., State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980); City of Scottsbluff v. Tiemann, supra; Axberg v. City of Lincoln, 141 Neb. 55, 2 N.W.2d 613 (1942); State v. Kelso, 92 Neb. 628, 139 N.W. 226 (1912). This principle would likely be viewed as inapplicable in this instance, however, as LB 897 is not intended to have future application in that it is limited to establishing a means to reimburse subdivisions facing revenue losses by refunds for 1988 arising from Northern and Trailblazer.

In conclusion, it is our opinion that LB 897, if enacted, would not violate any of the above-referenced constitutional provisions.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-387-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. No. 90021

DATE: March 22, 1990

SUBJECT: LB 1241 - Granting of Tax Credits to Business Firms Purchasing Shares in Specified Business Development Corporations

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the constitutionality of the tax credit provisions contained in LB 1241. Generally, LB 1241 would amend current statutory provisions relating to the Research and Development Authority (Neb.Rev.Stat. §§58-401 through 58-439 (Reissue 1988 and Supp. 1989)) {"Authority"} and the establishment of business development corporations under the Nebraska Business Development Corporation Act (Neb.Rev.Stat. §§21-2101 to 21-2117 (Reissue 1987)). Under LB 1241, the Authority would be required to form a business development corporation to carry out the purpose of providing financing to eligible businesses starting or expanding in or into specified economically distressed "target areas." Your question relates to the amendment under LB 1241 of portions of the Community Development Assistance Act (Neb.Rev.Stat. §§13-201 to 13-208 (Reissue 1987)). In particular, you have asked our opinion as to whether it would be constitutional to extend the income tax credits provided under the Community Development Assistance Act to include credit for amounts used by business firms to purchase shares in a business development corporation formed pursuant to §13 of LB 1241.

As a general rule, subject to constitutional restrictions, a state may authorize exemptions for income tax purposes. 85 C.J.S. Taxation §1098 (1954).[1] The United States Supreme Court has held a state may constitutionally encourage certain industries or businesses to locate within a state by the granting of certain specialized tax benefits or exemptions. Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522 (1959). In Allied Stores, the Court determined "a statute which encourages the location within the State of needed and useful industries, by exempting them, though not also others, from its taxes is not arbitrary and does not violate the Equal Protection Clause of the Fourteenth Amendment" to the United States Constitution. Id. at 528. Classifications adopted by a state in the exercise of its taxing power will be sustained under the Equal Protection Clause if they are rationally related to a legitimate governmental purpose. Exxon Corp. v. Eagerton, 462 U.S. 176 (1983); Allied Stores of Ohio, Inc. v.

Bowers, supra. In sustaining a state tax classification exempting from certain taxes employers with less than eight employees and employers in certain specified types of businesses, the Court stated:

> It is inherent in the exercise of the power to tax that a state be free to select the subjects of taxation and to grant exemptions. . . . A legislature is not bound to tax every member of a class or none. It may make distinctions of degree having a rational basis, and when subjected to judicial scrutiny they must be presumed to rest on that basis if there is any conceivable state of facts which would support it.

Carmichael v. Southern Coal and Coke Co., 301 U.S. 495, 509 (1937).

In addition to the protection against arbitrary discrimination afforded under the Fourteenth Amendment to the United States Constitution, the prohibition against special legislation in Article III, Section 18, of the Nebraska Constitution, also inhibits the enactment of unreasonable class legislation. The Nebraska Supreme Court decision in Stahmer v. State, 193 Neb. 63, 218 N.W.2d 893 (1974), recognizes the power of the Legislature to classify and exempt in matters pertaining to taxation, provided the classifications established are reasonable.

The income tax credits provided under §§2 and 3 of LB 1241 are limited to the class of business firms investing in a business development corporation established pursuant to §13 of the Act by the purchase of shares in the corporation. Thus, to the extent the allowance of such credit is limited to entities investing in business development corporations of this nature, the constitutional question which arises is whether the establishment of such classification is reasonable and rationally related to a legitimate state purpose.

Courts from several jurisdictions have upheld the constitutionality of legislation establishing economic development programs intended to aid and promote business development. Carll v. South Carolina Jobs--Economic Development Authority, 284 S.C. 438, 327 S.E.2d 331 (1985); Minnesota Energy and Economic Development Authority v. Printy, 351 N.W.2d 319 (Minn. 1984); Mid-Michigan Farm and Grain Association, Inc. v. Henning, 127 Mich. App. 735, 339 N.W.2d 243 (1983); DeArmond v. Alaska State Development Corp., 376 P.2d 717 (Alaska 1972). The use of tax credits and other economic incentives, including state programs designed to target capital for business development, have been recognized as valid means by which government may encourage and promote economic development, particularly in areas identified as suffering from economic distress by virtue of high unemployment and a lack of business investment. McGahey, State Economic Development Policy:

Strategic Approaches for the Future, 15 N.Y.U.Rev.L. and Soc. Change 43, 47-56 (1986-87). The "enterprise zone" concept embodied in legislation of this nature is designed to expand economic activity and growth in depressed or blighted areas through the establishment of tax and regulatory incentives. Note, Bringing New Life to Enterprise Zones: Congress Finally Takes the First Step with the Housing and Community Development Act of 1987, 35 Wash. U.J.Urb. and Contemp. L. 109, 111-120 (1989).

Section 7 of LB 1241, which amends the provisions of Section 58-401 of the Research and Development Authority Act, includes the following language pertaining to the Legislature's findings and the intent underlying the enactment of the bill:

> (2)(a) There exist in certain areas unacceptable levels of unemployment, poverty, and outmigration caused by the need for expansion of the economic bases in such areas;
>
> (b) Such conditions needlessly increase public expenditures for unemployment compensation, social services, and public safety services;
>
> (c) A necessary element in diversification of the economic bases of such economically distressed areas is providing employment opportunities in and providing essential goods and services to such areas; and
>
> (d) The necessary financial development to stimulate and diversify the economic bases of such areas may properly be accomplished by formation of a business development corporation in which the authority is a member.

Pursuant to §13, business development corporations formed to meet these needs are to provide financing to eligible businesses starting in or expanding into economically disadvantaged locations falling within the definition of "target area" under §10 of the bill. The income tax credits in §§2 and 3 of LB 1241, granted to business firms investing in business development corporations established for this purpose, are therefore intended to provide an incentive for investment in such business development corporations. Under these circumstances, we believe the granting of tax credits for this purpose is neither unreasonable nor arbitrary, as the use of tax credits as an inducement for investment in business development corporations which promote the revitalization of industry in economically distressed areas in this manner clearly is rationally related to furthering a legitimate state interest.

Based on the foregoing, it is our conclusion that the tax credit provisions contained in §§2 and 3 of LB 1241 are valid and constitutional.

[1] Technically, tax exemptions are different than tax credits or deductions. An exemption is characterized as an immunity from the obligation of paying a tax. A tax credit is an allowance applied to reduce a taxpayer's income tax liability after the tax has been computed, while a deduction is a reduction applied to income before the amount of tax is computed. Black's Law Dictionary, 1310 (5th Ed. 1979); General Motors Corp. v. Mississippi State Tax Commission, 510 So.2d 498 (Miss. 1987). For purposes of analyzing the issues raised by your request, however, such distinctions are not material.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-389-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 90022

Date: March 22, 1990

Subject: Constitutional Law. Construction of LB 688, as amended, in relation to Article III, section 18, of the Nebraska Constitution.

Requested by: Senator Jacklyn J. Smith

Written by: Robert M. Spire, Attorney General
Marilyn B. Hutchinson, Assistant Attorney General

You have asked whether LB 688, as amended, violates Article III, section 18, of the Nebraska Constitution. We have concluded that depends on whether different treatment for the persons exempted from the general law is warranted under the circumstances as discussed below.

Article III, section 18, of the Nebraska Constitution prohibits the Legislature from passing any special law granting to any individual any special privileges where a general law can be made applicable.

LB 688, as amended, would permit unlicensed persons to practice a limited scope of medicine to assist persons with developmental disabilities in special educational settings specified in the bill. See, LB 688, section 1(1) and (2)(f) and Committee Hearing on LB 688 (February 9, 1989), pp. 70, 74, 76, 80, 85 and 86.

The general rule is that no person may practice medicine and surgery in this state without a license to do so issued by the Department of Health. Neb.Rev.Stat. §71-102 (Supp. 1989).

> There exists no vested right to practice medicine; rather, it is a conditional right subordinate to the police power of the state to protect and preserve the public health.

State v. Hinze, 232 Neb. 550, 555, 441 N.W.2d 593 (1989). Thus protection and preservation of the public health is the justification for the general rule.

> Exemptions {from a general rule} are allowed where they are made applicable to all persons of the same class similarly situated.

Casey's General Stores v. Nebraska Liquor Control Commission, 220 Neb. 242, 243, 369 N.W.2d 85 (1985). It must be possible for others to come within the classification after it is defined. State ex rel. Campbell v. Gering Irrigation District, 114 Neb. 329, 207 N.W.2d 525 (1926). It must operate uniformly and alike on every member of the class designated. Creigh v. Larsen, 171 Neb. 317, 106 N.W.2d 187 (1960).

> "{T}he classification must be based on some reason suggested by such a difference in the situation and circumstances of the subjects placed in different classes as to disclose the necessity or propriety of different legislation in respect to them."

Low v. Rees Printing Co., 41 Neb. 127, 142, 59 N.W. 362 (1894).

Thus, exceptions from the general rule are possible without violating Article III, section 18. However, too many exceptions may undermine the justification for the general rule.

1. The Legislature has previously exempted classes of persons from the need to be licensed by the Department of Health as physicians and surgeons in order to practice medicine.

The classes of persons who may lawfully practice medicine and surgery without a license issued by the Department of Health are identified in Neb.Rev.Stat. §71-1,103 (Supp. 1989). Those exceptions from the general rule include the classes of unlicensed persons identified in subsections (1) - (4) and (8), the classes of persons licensed elsewhere and identified in subsections (5) - (7) and (15), and the classes of persons licensed in this state to practice a limited scope of medicine and surgery and identified in subsections (9) - (14). The practice of nursing as defined in Neb.Rev.Stat. §71-1,132.05 (Supp. 1989) for which licensure is required by Neb.Rev.Stat. §71-1,132.04 (Reissue 1986) comes within the exception in subsection (14). The exceptions from nursing licensure in Neb.Rev.Stat. §71-1,132.06

(Supp. 1989) include exceptions for classes similar to the classes exempted under Neb.Rev.Stat. §71-1,103.

Thus, there is precedent for exempting unlicensed persons from the general rule requiring licensing by the Department of Health to practice medicine and surgery in this state.

2. The exemption proposed in LB 688, as amended, does not violate Article III, section 18, if different treatment for those providing routine medical care for the developmentally disabled in specified situations is warranted under the circumstances.

> LB 688 as amended would authorize an unlicensed person to: perform routine health care maintenance procedures for a person with developmental disabilities when such procedures are performed in an early childhood program, a center for the developmentally disabled, a special education setting, a medicaid waiver facility, or a foster care setting under the supervision of the attending physician. . .

LB 688, section 1.(1). "Routine health care maintenance procedures" are defined in section 1.(2)(f) to limit the procedures to those the person with developmental disabilities could do himself or herself if such person were not developmentally disabled. "In essence, we're trying to provide a way to provide some protections for the public, while not overly restricting and regulating this area." Floor Debate on LB 688 (Feb. 20, 1990), Senator Wesely, pp. 9602, 9603. (The fear that the scope of practice was too broad and that there would be difficulty in enforcing it against an unlicensed person had been raised at the public hearing. Committee Hearing on LB 688 (Feb. 9, 1989), pp. 85 and 86.)

Assuming that such procedures do come within the practice of medicine, LB 688, as amended, creates an exception to the general rule that persons engaged in such practice must be licensed by the Department of Health.

The classification of "special care provider" applies to all persons of the same class similarly situated and operates uniformly and alike on every member of the class designated, i.e., persons trained at least two hours per procedure by the attending physician or a registered nurse who has demonstrated the necessary competency to such trainer, and who performs such procedures under the direction of a registered nurse in centers for the developmentally disabled and in special education settings. LB 688, section 1.(1) and (2)(g). Thus the exemption is permissible under the rule cited from Casey's General Stores, above, and Creigh v. Larsen, above.

It is possible for others to come within the classification after the legislation is passed. Thus the exemption is permissible under the rule cited from State ex rel. Campbell, above.

The classification is based on a philosophy to get developmentally disabled persons into less-restrictive settings and provide those 50 to 100 developmentally disabled persons needing routine medical care with such care in those settings without incurring the expense of hiring licensed nurses to provide it. Committee Hearing on LB 688 (February 9, 1989), pp. 65-68, 70, 71 and 74. To the extent those facts suggest a difference in the situation and circumstances of persons providing routine medical care for the developmentally disabled in special education settings which requires different legislation in respect to them, the classification is permissible under the rule cited from Rees Printing Co., above.

In conclusion, the validity of LB 688, as amended, under Article III, section 18, of the Nebraska Constitution depends on whether it is necessary or proper to treat differently the persons who give routine medical care to the developmentally disabled in specified situations under the circumstances. This is a judgment that must be made first by the Legislature, subject to judicial review.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
16-187-13

Opinion No. 90023

DATE:	March 22, 1990
SUBJECT:	Whether LB 571 is Unconstitutional by Virtue of Containing Two Subjects
REQUESTED BY:	Senator Ernest Chambers Nebraska State Legislature
WRITTEN BY:	Robert M. Spire, Attorney General Linda L. Willard, Assistant Attorney General

You have inquired whether LB 571 violates Article III, Section 14, of the Constitution of the State of Nebraska by virtue of containing two subjects. It is our conclusion that LB 571, as amended, is constitutionally suspect.

As originally introduced, LB 571 addressed the subject of making anabolic steroids a controlled substance and related provisions, including that violation of the section is a Class IV felony. An amendment was attached to the bill requiring financial institutions to maintain and file records of transactions in excess of ten thousand dollars since these "reports and records have a high degree of usefulness in criminal investigations or proceedings" (AM2905, Legislative Journal p. 1271, March 8, 1990). Violations of the reporting requirement could result in a civil penalty.

LB 571 as originally introduced addressed the general subject of crimes and punishments and the title provided:

> FOR AN ACT relating to crimes and punishments; to amend section 28-404, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1988; to prohibit the possession or transfer of certain substances without a prescription; to define terms; to provide a penalty; to provide exceptions; and to repeal the original sections.

The title of the amended bill contains additional language related to the currency transactions.

Article III, Section 14, of the Constitution of Nebraska provides in part: "No bill shall contain more than one subject, and the same shall be clearly expressed in the title." However, it is well established that the constitutional provision at issue must be liberally construed. The Nebraska Supreme Court has held that:

> Where a bill has but one general object, no matter how comprehensive that object may be, and contains no matters not germane thereto, and the title clearly expresses the subject of the bill, it does not violate Article III, section 14, of the Constitution.
>
> . . . .
>
> {T}his constitutional provision should be . . . construed as to admit of the insertion in a legislative act of all provisions which, though not specifically expressed in the title, are comprehended within the objects and purposes of the act as expressed in its title; and to admit all provisions which are germane, and not foreign, to the purposes of the act as expressed in its title.

Peterson v. Hancock, 155 Neb. 801, 807-808, 54 N.W.2d 85, 90 (1952).

It is necessary to look at the bill and determine if the amendatory sections are part of the subject matter of the bill. According to Van Horn v. State, 46 Neb. 62, 74, 64 N.W. 365 (1895), legislation is "single" in subject matter "so long as the act has but a single main purpose and object." In determining what the main object is, we must look to the bill itself to ascertain whether or not it contains more than one subject. Id. at 72; and Midwest Popcorn Company v. Johnson, 152 Neb. 867, 871-872, 43 N.W.2d 174 (1950).

The main purpose of the bill relates to crimes and punishments. While the amendment to the bill is an attempt to aid law enforcement authorities, it addresses neither crimes nor punishments. The amendment neither makes it a crime to deal in large sums of money nor does it make it a crime to fail to keep the records or submit the reports required.

Because the courts have given such a liberal interpretation to this constitutional provision in the past, we cannot say for certain whether the courts would declare the amendment in question violative of the State Constitution. However, it is the belief of this office that LB 571 as amended violates Article III, Section 14, of the Constitution of the State of Nebraska.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-01-14.2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 90024

DATE: March 26, 1990

SUBJECT: The Constitutionality of LB 854 with special emphasis on a 24-hour waiting period and the requirement of presenting to a woman information on the development of the fetus.

REQUESTED BY: Senator Arlene Nelson
District #35

WRITTEN BY: Robert M. Spire, Attorney General
Royce N. Harper, Senior Assistant Attorney General

SUMMARY OF ANSWERS TO QUESTIONS ASKED BY SENATOR NELSON

The legal questions addressed here relate to Legislative Bill 854 which contains the following requirements:

1) A twenty-four hour waiting period from the time the woman signs an informed consent statement before an abortion can be performed.
2) The requirement of furnishing a woman information on anatomical and physiological characteristics of the fetus at the gestational point of development at the time the abortion is to be performed.

Your request for an opinion indicated that there was information presented at the public hearing which indicated that such provisions have been consistently struck down by the courts as unconstitutional. You referred to two specific U.S. Supreme Court Cases and two U.S. District Court cases which were mentioned at the hearing as being relevant to the constitutionality of this bill.

Based on the cases you cited, namely, City of Akron v. Akron Center for Reproductive Health, 462 U.S. 416 (1983); Thornburg v. American College of Obstetricians and Gynecologists, 476 U.S. 747 (1986), Women's Services P.C. v. Thone, 690 F.2d 667 (1982); and Planned Parenthood of Southeast Pennsylvania v. Casey, 686 F.Supp. (E.D. Pa. 198) it would be our opinion that the two provisions, Section 1.(8)(d) and Section 2 would be constitutionally suspect.

You further requested any pertinent information regarding this question which would have some bearing on the issue. Pursuant to this request it is of interest that there is a related issue as to delay imposed by a Minnesota requirement of parental notification by a minor obtaining an abortion presently before the U.S. Supreme Court from the Eighth Circuit Court of Appeals. Hodgson v. Minn. 88-1125 and Minn. v. Hodgson, 88-1309 (853 F.2d 1452).

In 1983 the Nebraska U.S. District Court ruled Nebraska Legislation requiring parental notification by a minor before an abortion unconstitutional. The court reasoned that the delay generated by such notice was an unreasonable impediment to the decision. However, in Hodgson, the Circuit Court concluded that a two-parent notice requirement imposed in conjunction with a judicial by-pass option, did not unduly burden the right of the minor to have an abortion and was, therefore, constitutional. Granted in Hodgson, the issue involved parental interest as to a minor, whereas, this statute covers adults as well as minors. But it appears then that the Eighth Circuit did not see the delay in that case as an unreasonable impediment as did the District Court of Nebraska in Orr v. Knowles, CV81-O-301, in 1983.

Therefore, it is reasonable to conclude that there is a possibility that the Eighth Circuit might now not consider the twenty-four hour delay and the informational requirement as an unreasonable impediment to an informed decision by an adult. However, until Hodgson is decided by the U.S. Supreme Court we cannot say whether the more restricted holding of the Eighth Circuit will be affirmed. We do know that in Webster, 109 S.Ct. 3040 (1989), the U.S. Supreme Court upheld a Missouri statute which to some degree rolled back the viability period of twenty six weeks to twenty weeks and which prohibited public funds for abortion.

In August 1989, we issued Opinion No. 89059 to Senator Labedz on the status of Neb.Rev.Stat. § 28-347 which required parental notification by minors for abortion and which was declared unconstitutional by the U.S. District Court for Nebraska in 1983. At that time, we stated that the matter was in "limbo" until the U.S. Supreme Court rules on Hodgson.

Here, it would appear that the two cases, you cited of 1983 to 1986 make Legislative Bill 854 suspect, but the sequence of the holdings cited here would indicate a possible swing by the courts toward not seeing the delay as an unreasonable restriction, or an undue burden on the women's decision.

Detailed Analysis and Response to Questions Asked by Senator Nelson

QUESTION 1: Is the provision in Legislative Bill 854 (Section 1.(8)(d) which requires a twenty-four hour waiting period following the signing of an informed consent statement for abortion constitutionally suspect.

CONCLUSION: Yes. This provision is constitutionally suspect based on previous U.S. Supreme Court holdings.

QUESTION 2: Is the provision in Legislative Bill 854 (Section 2) which contains an informational requirement as to the characteristics of the fetus at the time of the abortion constitutionally suspect.

CONCLUSION: Yes. This provision is suspect based on previous U.S. Supreme Court holdings.

City of Akron and Thornburg, supra basically affirmed Roe v. Wade, 410 U.S. 113 (1973), that the State's interest in maternal health becomes compelling only after the first trimester and the regulation may be upheld only if it is reasonably designated to further that State's interest.

In Akron, the law required: (a) prohibited physician from performing an abortion until twenty-four hours after the pregnant woman signs a consent form. (b) the attending physician to inform his patient of the status of her pregnancy, the development of her fetus, the date of possible viability, the physical and emotional complications that may result from an abortion and the availability of agencies to provide her with assistance with respect to birth control, adoption, and child birth, . . . and also inform her of particular risks associated with her pregnancy and the abortion technique to be employed.

Language form Akron on the requirements of a twenty-four hour delay and the furnishing of a fetus development information is appropriate here:

> . . . Akron has failed to demonstrate that any legitimate state interest is furthered by an arbitrary and inflexible waiting period. There is no evidence that the abortion procedure will be performed more safely. Nor does it appear that the State's legitimate concern that the woman's decision be informed is reasonably served by requiring a twenty-four hour delay as a matter of course. P. 449-451.

Further it is of interest to note additional language from Akron as to necessity of furnishing particular information:

> (a) The validity of an informed consent requirement rests on the State's interest in protecting the pregnant woman's health. But this does not mean that a State has unreviewable authority to decide what information a woman must be given before she chooses to have an abortion. A State may not adopt regulations designed to influence the woman's informed choice between abortion or childbirth. P. 442-444.
>
> (b) Section . . . attempts to extend the State's interest in ensuring "informed consent" beyond permissible limits, and intrudes upon the discretion of the pregnant woman's physician. While a State may require a physician to make certain that his patient understands the physical and emotional implications of having an abortion, § . . . goes far beyond merely describing the general subject matter relevant to informed consent. By insisting upon recitation of a lengthy and inflexible list of information, the section unreasonably has placed obstacles in the path of the physician. P. 444-445.
>
> (c) With respect to . . . requirement that the "attending physician" must inform the woman of the specified information, it is unreasonable for a State to insist that only a physician is competent to provide the information and counseling relevant to informed consent. P. 446-449.

Both the delay and the informational requirements were held to be unconstitutional in Akron. The provisions for delay and informed consent in Legislative Bill 854 are sufficiently similar to the Ohio statute that, in our opinion the bill is constitutionally suspect.

In your letter you mentioned Planned Parenthood of Southeast Pa v. Casey, 686 F.Supp. 1089 (E.D. Pa 1988). This was an action challenging amendments to the Pennsylvania Abortion Control Act of 1982. The District Court held that:

> (1) operation or implementation of judicial by-pass procedure for parental consent requirement for minors would be enjoined until the state Supreme Court promulgated rules which would assure that the petition was sealed immediately upon filing; (2) state officials were enjoined from disclosing or otherwise making available for public inspection and copying any report filed by facility which had received state appropriation funds during the 12-calendar month period preceding the filing of the report; (3) requirement that name of performing physician be reported was not enjoined; and (4) requirement that physician make determination as to viability of fetus prior to performing any abortion after 19th week of pregnancy was enjoined.

Thus, the issues in Planned Parenthood of Southeast Pa., were not directly definitive to your request as they were in Akron but the opinion did cite Akron and Thornburg on the basic principle reaffirmed by the Supreme Court of a woman's fundamental right to choose whether to terminate her pregnancy. Further, the case cited Roe v. Wade, at 164 for the proposition that at the approximate beginning of the second trimester of pregnancy, the State's interest in protecting the health of the mother becomes compelling and may justify regulation which significantly burden the woman's right to terminate her pregnancy.

In the summary at the beginning of this opinion, we indicated that Hodgson v. Minnesota which is presently on appeal to the U.S. Supreme Court from the Eighth Circuit will be definitive as to Neb.Rev.Stat. § 28-347 which provides for notice to one parent and also provides for a judicial by-pass to the extent that a court could order a waiver of the notice requirement in the best interest of the child. This statute was declared unconstitutional by the U.S. District Court for Nebraska in 1983.

In opinion No. 89059 issued by this office on September 30, 1989, we concluded that the ruling of the U.S. District Court of Nebraska on #28-347 had been effectively overruled by the Eighth Circuit in Hodgson. The Eighth Circuit concluded that the two-parent by-pass option did not unduly burden the right of a minor to have an abortion and was, therefore, constitutional.

One of the reasons we believe that Hodgson would have a bearing on the twenty-four hour delay in Legislative Bill 854 is the fact that the U.S. District Court for the District of Nebraska in Orr v. Knowles held that any delay was significant in that a judicial by-pass increased that delay. Thus, it follows that if the U.S. Supreme Court affirms the Eighth Circuit in Hodgson, it could be inferred that the court is saying that a delay can be justified where there is a compelling state interest.

Certainly there was no way to predict that an affirmation of Hodgson which requires parental notice or a judicial by-pass with the attendant delay for a minor, would in anyway be dispositive of, or even affect a ruling on Legislative Bill 854 which attaches the delay and the information requirement to an adult decision. However, since you did request any information pertinent to the question at hand, we feel that it is best to set it out for your consideration.

In our summary above, we mentioned Webster v. Reproductive Health Services, 109 Supreme Court 3040 (1989), because it is certainly of interest to all legislatures on the subject of abortion. In Webster state employed health care professionals offering abortion counseling and services brought a class action seeking declaration and injunctive relief challenging the constitutionality of state statutes regulating abortions. The U.S. Supreme Court held: (1) That it need not pass on the constitutionality of the statute's preamble which set forth legislative "findings" that life begins at conception and that unborn children have protectable interests in life, health and well-being in that the preamble does not regulate or restrict health professionals in any concrete way; (2) The statutory ban on use of public employees and facilities for performance or assistance of nontherapeutic abortions did not contravene the Constitution; (3) The issue of constitutionality of statute's prohibition on use of public funds to encourage or counsel women to have nontherapeutic abortions was moot; and (4) The provision of the statute that require physicians to perform such tests as are necessary to determine fetal viability for any fetus believed to be at least 20 weeks gestational age does not unconstitutionally infringe right to abortion.

Although Webster is a landmark case and arguably could be considered by some as a sign of retreat from Roe v. Wade, in our opinion it is not definitive of any issues raised in your request.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Royce N. Harper
Senior Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
15-03-4

RESOLUTION

LEGISLATIVE RESOLUTION 395. Read. Considered.

LR 395 was adopted with 34 ayes, 0 nays, and 15 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. Mr. Hall withdrew his pending amendment, AM3045, found in the Journal on page 1403.

Mr. Wesely moved to indefinitely postpone LR 11CA.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wesely withdrew his pending motion to indefinitely postpone.

Mr. Hartnett renewed his pending amendment, AM3068, found in the Journal on page 1470.

The Hartnett amendment was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Ms. Scofield moved for a call of the house. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Ms. Scofield requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 33:

Barrett
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Dierks
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lynch
Moore
Morrissey
Nelson
Peterson

Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 5:

Conway
Hall
Landis
Warner
Wesely

Present and not voting, 6:

Ashford
Baack
Chambers
Lindsay
Schimek
Schmit

Absent and not voting, 1:

McFarland

Excused and not voting, 4:

Abboud
Chizek
Elmer
Haberman

Advanced to E & R for review with 33 ayes, 5 nays, 6 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING

Transportation

Governor Appointment Thursday, April 5, 1990 1:00 p.m.
Board of Public Roads Classifications and Standards
Leslie Chaffin

(Signed) Howard Lamb, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1153. Title read. Considered.

Standing Committee amendment, AM2572, printed separately from the Journal and referred to on page 851, was considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barrett renewed his pending amendment, AM2999, found in the Journal on page 1346, to the Standing Committee amendment.

The Barrett amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mrs. Crosby renewed her pending amendment, AM2591, found in the Journal on page 1367, to the Standing Committee amendment.

The Crosby amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Mr. Hartnett offered the following amendment:
AM2483

1. Insert the following new section:

"Sec. 55. That section 76-544, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-544. ~~A~~ Every two years a registered abstracter shall ~~every two years~~ complete and certify to the board that he or she has successfully completed ~~six~~ three hours of board-approved professional development credits. The board shall adopt and promulgate rules and regulations necessary for the effective delivery and approval of all programs of professional development required.".

2. On page 59, line 12, strike "and" and after the last comma insert "and 76-544,".

3. Renumber the remaining sections accordingly.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1153A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1055. Title read. Considered.

Standing Committee amendment, AM2621, printed separately from the Journal and referred to on page 874 for the Thirtieth Day, was considered.

Mr. Chambers withdrew his pending request, found in the Journal on page 1450, for the division of the question on the Standing Committee amendment.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA420

Sec. 4. That section 9-239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-239. (1) The department shall collect a state tax of six percent on the gross receipts received from the conducting of bingo within the state. Such tax shall be paid to the department and credited to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with any other reports as may be required by the department. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.

(2) Any city or village is hereby directed to impose a tax of ~~four~~ two percent on the gross receipts received from the conducting of bingo within such city or village. Where bingo is conducted outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of ~~four~~ two percent on the gross receipts from the conducting of bingo outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236.

Such tax shall be paid to the clerk of the political subdivision imposing the tax, and the clerk shall transmit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.

SPEAKER BARRETT PRESIDING

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. McFarland asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM3178

(Amendments to AM7187)

1. On page 1, line 7, strike "a new section 14" and insert "new sections 14 and 15".

2. On page 5, line 18, after "Legislature" insert ", a member of the faculty of the institution chosen by the faculty,"; and in line 24 after the period insert "The member of the faculty who is a member of the board shall not have a vote unless the Constitution of Nebraska is amended to provide that a member of the faculty who is a member of a board of trustees shall be entitled to vote.".

3. On page 6, line 16, after "office" insert "of the member of the faculty and".

4. On page 8, after line 1, insert the following:

"CVII-15 'Notwithstanding any other provision of the Constitution of Nebraska, a member of the faculty serving on a board of trustees shall be entitled to vote on issues before the board of trustees. This section shall not become effective after adoption unless the amendment proposed to Article VII, section 13 of the

Constitution of Nebraska at the election in 1990 is also adopted.' ".

5. On page 12, after line 8, insert

" 'A constitutional amendment to provide that a member of the faculty serving on a board of trustees for a public postsecondary educational institution shall be entitled to vote on issues before the board.

For

Against' "; and in line 9 strike "either" and insert "any".

VISITORS

Visitors to the Chamber were 17 eighth grade students and teacher from St. Francis Junior High, Humphrey; Senator Korshoj's sister and husband, Betty and Gene Megrue, from Blair and their daughter, Libby Megrue, from Omaha, and Voyne and Mabel Harris from Blair; 15 fourth grade students and teacher from Brownell-Talbot, Omaha; 43 kindergarten through sixth grade students and sponsors from Stull School, Cass County; 40 eighth grade students, teacher, and sponsor from Centura Public School, Boelus, Cairo, and Dannebrog; 40 representatives of the Council of Catholic Women from across the state; 50 fourth grade students and teachers from St. Bernard's, Omaha; and Eunice Jackson from Minden.

RECESS

At 11:57 a.m., on a motion by Mr. Schmit, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Baack, Bernard-Stevens, Chizek, Haberman, R. Johnson, Lindsay, McFarland, Moore, Morrissey, Mrs. Pirsch, and Ms. Scofield who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 397. Introduced by Natural Resources Committee: Schmit, 23rd District, Chairperson; Beck, 8th District; Elmer, 38th District; R. Johnson, 34th District; Lamb, 43rd District; Morrissey, 1st District; Smith, 33rd District; Weihing, 48th District.

WHEREAS, the entire electric power industry now supports clean air legislation that will meet or exceed the goals set forth in the Clean Air Proposal of President Bush; and

WHEREAS, all electric power generation owned and operated by and on behalf of Nebraska electric utilities is presently operating and can continue to operate at sulfur dioxide (SO2) emission levels well below those targeted for the final phase (year 2000) in the clean air authorization legislation before Congress; and

WHEREAS, both H.R. 3030 and S. 1630 would, as written, limit generation levels of some Nebraska power generation units after the year 2000 because of the caps and allowances provisions of that legislation; and

WHEREAS, to build new clean coal-fired generation with the latest available technology after the year 2000 under both bills currently in the House of Representatives and the Senate require the acquisition of emission allowances from utilities that are operating generation at significantly higher emission rates at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges Congress to support and advance the electric power industry clean air alternative which is supported by the Nebraska Power Association and the nation's electric utility industry or to support and advance similar legislation which provides similar flexibility and achieves the following objectives:

(a) By December 31, 2000, obtain a ten-million-ton reduction of SO2 based on total emissions of SO2 in 1980 and a two-million-ton reduction of NOx below 1989 projected levels;

(b) Maintain the SO2 reduction indefinitely through offset requirements that apply to fossil fuel steam plants commencing operation after December 31, 2000; and

(c) Provide incentives for development and use of clean coal technologies.

2. That a copy of this resolution be sent to Nebraska's congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 398. Introduced by Dierks, 40th District.

WHEREAS, the village of Butte was founded in 1890; and

WHEREAS, the village was named for the scenic Harvey Buttes and Twin Buttes which adorn the landscape near the village site; and

WHEREAS, Butte has served as the county seat of Boyd County since the county was organized in 1891; and

WHEREAS, Butte celebrates its centennial this year as an active community of about five hundred fifty residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the village of Butte on its centennial celebration.
2. That a copy of this resolution be sent to the village of Butte.

Laid over.

LEGISLATIVE RESOLUTION 399. Introduced by Dierks, 40th District; Hartnett, 45th District.

WHEREAS, the village of Chicago, later named Brunswick, was founded in northern Antelope County in the late nineteenth century; and

WHEREAS, the name of the village was changed to Brunswick in 1890 in honor of the German settlers who had come from Brunswick, Germany; and

WHEREAS, Brunswick currently exists as an agricultural and small business community of two hundred residents; and

WHEREAS, Brunswick celebrates its centennial this year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Village of Brunswick on its centennial celebration.
2. That a copy of this resolution be sent to the Village of Brunswick.

Laid over.

LEGISLATIVE RESOLUTION 400. Introduced by Dierks, 40th District.

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

WHEREAS, millions who have answered the call to arms have died on the field of battle; and

WHEREAS, a nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and

WHEREAS, the red poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, the American Legion Auxiliary has pledged to remind America annually of this recognition and honor through the distribution of the memorial flower.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the month of May 1990 be declared State Poppy Month.
2. That the Legislature urges all citizens to support the observance of State Poppy Month.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1055. The pending Standing Committee amendment, FA420, found in this day's Journal, was renewed.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Hall requested a roll call vote on the first Standing Committee amendment.

Voting in the affirmative, 32:

Abboud
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Landis
Langford
Lindsay

Lynch
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 5:

Barrett
Chambers
Moore
Peterson
Warner

Present and not voting, 6:

Elmer
Hannibal
Johnson, R.
Korshoj
Lamb
Schmit

Excused and not voting, 6:

Ashford
Baack
Chizek
Haberman
McFarland
Pirsch

The first Standing Committee amendment was adopted with 32 ayes, 5 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The second Standing Committee amendment is as follows:
FA421

Sec. 3. That section 9-1,101, Revised Statutes Supplement, 1989, be amended to read as follows:

9-1,101. (1) The Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be administered and enforced by the Charitable Gaming Division of the Department of Revenue, which division is hereby created. The Department of Revenue shall make annual reports to the Governor, Legislature, Auditor of Public Accounts, and Attorney General on all tax revenue received, expenses incurred, and other activities relating to the administration and enforcement of such acts.

(2) The Charitable Gaming Operations Fund is hereby created. Any money in the fund available for investment shall be invested by the state investment

officer pursuant to sections 72-1237 to 72-1276.

(3) ~~Thirty-five~~ Forty percent of the taxes collected pursuant to sections 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable Gaming Division for administering and enforcing the acts. The remaining ~~sixty-five~~ sixty percent, along with any portion of the ~~thirty-five~~ forty percent not used by the division in its administration and enforcement of such acts, shall be transferred to the General Fund.

(4) The Tax Commissioner shall employ investigators and inspectors who shall be appointed deputy state sheriffs by the Governor and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of the acts.

Sec. 5. That section 9-344, Revised Statutes Supplement, 1989, be amended to read as follows:

9-344. Accompanying the monthly reports required in section 9-343, the distributor shall pay to the department a tax equal to ~~thirteen~~ ten percent of the definite profit of each pickle card unit sold by the distributor. Such tax shall be remitted with and reported on a form prescribed by the department on a monthly basis ~~commencing on and after October 1, 1989,~~ and shall be due and payable within thirty days after each monthly period or by the last day of the month following each monthly period, whichever comes first. Such tax shall be credited to the Charitable Gaming Operations Fund of the state. The distributor shall include the tax due under this section in the selling price of units and shall separately state such tax on the invoice. All deficiencies of the tax prescribed in this section shall accrue interest and be subject to a penalty as provided for sales and use taxes in the Nebraska Revenue Act of 1967.

Messrs. Kristensen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 7 nays, and 20 not voting.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Standing Committee amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Arts Council
  Rich Bailey
  Mary Cabela
  Marge Durham
  Catherine Ferguson
  Luigi Waites

State Electrical Board
  Wayne D. Sides

VOTE: Aye: Senators Beck, Elmer, Hall, R. Johnson, Labedz, and Smith. Nay: None. Not Voting: None. Absent: Senators Hartnett and Kristensen.

(Signed) Jacklyn Smith, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Baack asked unanimous consent to print the following amendments to LB 931 in the Journal. No objections. So ordered.

(1)

AM3176

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 5. That section 32-425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-425. (1) Every primary ballot shall contain the name of every candidate filing under ~~the provisions of~~ sections 32-503.01, 32-514, and 32-524~~,~~ and subdivision (1)(a) of section 32-504~~,~~ and no other names. The name of a candidate shall not appear on the ballot or any series of ballots at any primary election more than once except for the office of delegate to a national or county convention. ~~, and no person shall be eligible to serve in more than one elected office defined in section 32-421.01.~~

(2) When, at the primary election, two or more of the surnames of candidates for the same office are the same in spelling or sound, the Secretary of State, county clerk, city clerk, election commissioner, or ~~any~~ other public officer upon whom is enjoined the duty of preparing and publishing official ballots~~,~~ may, on the request of any such candidate, print on the ballot immediately below his or her name in not to exceed five words the post office address and occupation of such candidate. The designation thus made shall be set in lightface type, capital and lowercase letters, of the same size as the name of the candidate is printed.".

2. On page 1, line 2, before "32-503.01" insert "32-425,".

3. On page 7, line 25, strike "Officers", show as stricken, and insert "Except as provided in section 70-619, directors".

4. On page 8, line 11, strike "officers", show as stricken, and insert "directors"; and in line 16 before "32-503.01" insert "32-425,".

5. Renumber the remaining sections accordingly.

(2)

AM3174

(Amendments to the Final Reading copy)

1. Insert the following new section:

"Sec. 5. That section 32-425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-425. (1) Every primary ballot shall contain the name of every candidate filing under ~~the provisions of~~ sections 32-503.01, 32-514, and 32-524~~,~~ and subdivision (1)(a) of section 32-504~~,~~ and no other names. ~~The name of a candidate shall not appear on the ballot or any series of ballots at any primary election more than once except for the office of delegate to a national or county convention, and no person shall be eligible to serve in more than one elected office defined in section 32-421.01.~~

(2) When, at the primary election, two or more of the surnames of candidates for the same office are the same in spelling or sound, the Secretary of State, county clerk, city clerk, election commissioner, or ~~any~~ other public officer upon whom is enjoined the duty of preparing and publishing official ballots~~,~~ may, on the request of any such candidate, print on the ballot immediately below his or her name in not to exceed five words the post office address and occupation of such candidate. The designation thus made shall be set in lightface type, capital and lowercase letters, of the same size as the name of the candidate is printed.".

2. On page 1, line 2, before "32-503.01" insert "32-425,"; in line 7, after the second semicolon insert "to eliminate a restriction upon the number of times a candidate's name may appear on a ballot;"; in line 9 after the second semicolon insert "to eliminate a filing restriction;"; and in line 11 after "sections" insert ", and also section 32-4,155, Reissue Revised Statutes of Nebraska, 1943".

3. On page 8, line 16, before "32-503.01" insert "32-425,"; and in line 17 before "are" insert "and also section 32-4,155, Reissue Revised Statutes of Nebraska, 1943,".

4. Renumber the remaining sections accordingly.

(3)

AM3175

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 5. That section 32-425, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-425. (1) Every primary ballot shall contain the name of every candidate filing under the provisions of sections 32-503.01, 32-514, and 32-524~~,~~ and subdivision (1)(a) of section 32-504~~,~~ and no other names. ~~The name of a candidate shall not appear on the ballot or any series of ballots at any primary election more than once~~ When an individual's name appears on the ballot at any primary election as a candidate for the Legislature or any office described in Article IV, section 1, of the Constitution of Nebraska, that individual's name shall not appear anywhere else on such primary ballot except for the office of delegate to a national or county convention. ~~, and no person shall be eligible to serve in more than one elected office defined in section 32-421.01.~~

(2) When, at the primary election, two or more of the surnames of candidates for the same office are the same in spelling or sound, the Secretary of State, county clerk, city clerk, election commissioner, or any other public officer upon whom is enjoined the duty of preparing and publishing official ballots, may on the request of any such candidate, print on the ballot immediately below his or her name in not to exceed five words the post office address and occupation of such candidate. The designation thus made shall be set in lightface type, capital and lowercase letters, of the same size as the name of the candidate is printed.

Sec. 6. That section 32-4,155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,155. No ~~individual~~ person serving as a member of the Legislature or in an elective office described in Article IV, section 1, of the Constitution of Nebraska shall be eligible to file for two or more elected public offices to be filled at the same election~~,~~ except for the position of delegate to a national or county convention. Any such individual who has filed for an elected office shall withdraw such filing pursuant to section 32-519.01 prior to filing for any other elected public office to be filled at the same election~~,~~ except for the position of delegate to a national or county convention. Any filing made in violation of this section shall be void and the county clerk, election commissioner, or Secretary of State shall not place the name of any individual on the ballot for any office for which such individual filed in violation of this section. Any person filing in violation of this section shall be guilty of a Class IV misdemeanor.”.

2. On page 1, line 2, before “32-503.01” insert “32-425, 32-4,155,”; and in line 7 after the second semicolon insert “to change ballot and filing restrictions as prescribed;”.

3. On page 8, line 16, before “32-503.01” insert “32-425, 32-4,155,”.

4. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 401. Introduced by Lynch, 13th District.

WHEREAS, the Florence Elementary School in Omaha, Nebraska, is celebrating its centennial with an open house on April 29, 1990; and

WHEREAS, the first school in the village of Florence was established to educate the children of the early Mormon people who stayed in the Florence area; and

WHEREAS, in 1890 the old Florence School, an eight-room structure, was built overlooking the Missouri River and the bluffs; and

WHEREAS, two wings were added to the old Florence School to accommodate the growth of the area; and

WHEREAS, the old Florence School was annexed to the Omaha Public School system in 1917 when the village of Florence became part of Greater Omaha; and

WHEREAS, the old Florence School was replaced by a new structure in January 1963; and

WHEREAS, the Florence Elementary School's commitment to educating the youth of the Florence community for the last one hundred years provides an important tie between the historical significance of our state's past and it's future which is realized through our youth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and applauds the dedication of the many teachers who have taught in the Florence Elementary School.
2. That the Legislature recognizes the support given to the school over the years from the Florence community.
3. That the Legislature joins in celebrating the one hundredth anniversary of Florence Elementary School.
4. That the Clerk of the Legislature send a copy of this resolution to the Florence Elementary School for display at its Centennial Open House on April 29, 1990.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1055. The third Standing Committee amendment is as follows:

FA422

1. Strike the original sections and insert the following new sections:

"Section 1. That section 2-1207, Revised Statutes Supplement, 1989, be amended to read as follows:

2-1207. (1) Within the enclosure of any racetrack where a race or race meeting licensed and conducted under sections 2-1201 to 2-1218 is held or at a racetrack licensed to simulcast races or conduct interstate simulcasting, the parimutuel method or system of wagering on the results of the respective races may be used and conducted by the licensee. Under such system the licensee may receive wagers of money from any person present at such race or racetrack receiving the simulcast race or conducting interstate simulcasting on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him or her. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run, at the option of the licensee, the licensee may deduct from the total sum wagered on all horses as first winners not less than fifteen percent or more than eighteen percent from such total sum, plus the odd cents of the redistribution over the next lower multiple of ten. At the option of the licensee, the licensee may deduct up to and including twenty-three percent from the total sum wagered by exotic wagers as defined in section 2-1208.03. The licensee shall notify the State Racing Commission in writing of the percentages the licensee intends to deduct during the live race meet conducted by the licensee and shall notify the commission at least one week in advance of any changes to such percentages the licensee intends to make. ~~, respectively, (a) at race meets which conduct live racing more than four days per week excluding holidays, fifteen percent of the total plus the odd cents of the redistribution over the next lower multiple of ten or (b) at race meets which conduct live racing not more than four days per week excluding holidays, not less than fifteen nor more than eighteen percent of the total plus the odd cents of the redistribution over the next lower multiple of ten. All licensees are hereby authorized to deduct up to and including twenty percent from the total sum wagered by exotic wagers as defined in section 2-1208.03.~~ The licensee shall also deduct from the total sum wagered by exotic wagers, if any, the tax plus the odd cents of the redistribution over the next multiple of ten as provided in subsection (1) of section 2-1208.04. The balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure, and authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first.

(2) At all race meets held pursuant to this section, the licensee shall deduct from the total sum wagered one-third of the amount over fifteen percent

deducted pursuant to subsection (1) of this section on wagers on horses selected to run first, second, or third and one percent of all exotic wagers ~~, including wagers on simulcast and interstate simulcast races but excluding wagers on horses selected to run first, second, or third, one percent of the total,~~ to be used to promote agriculture and horse breeding in Nebraska and for the support and preservation of horseracing pursuant to section 2-1207.01.

(3) No minor shall be permitted to make any parimutuel wager, and there shall be no wagering except under the parimutuel method outlined in this section. Any person, association, or corporation who knowingly permits a minor to make a parimutuel wager shall be guilty of a Class IV misdemeanor.

Sec. 2. That section 2-1208.01, Revised Statutes Supplement, 1989, be amended to read as follows:

2-1208.01. There is hereby imposed a tax on the gross sum wagered by the parimutuel method at each race enclosure during a calendar year as follows:

~~(1) Commencing on July 1, 1987, and ending on December 31, 1990:~~

(1) ~~(a)~~ For meets conducted on property owned by the state on which the Nebraska State Fair is also conducted, no tax shall be imposed, but the licensee shall apply two percent of any amount in excess of ten million dollars for the purpose of maintenance of buildings, streets, utilities, and other existing improvements on the Nebraska State Fairgrounds; and

(2) ~~(b)~~ For all other meets:

(a) ~~(i)~~ The first ten million dollars shall not be taxed;

(b) ~~(ii)~~ Any amount over ten million dollars but less than or equal to one hundred million dollars shall be taxed at the rate of two percent through December 31, 1990;

(c)(i) Effective January 1, 1991, through December 31, 1993, any amount over ten million dollars but less than or equal to eighty million dollars shall be taxed at the rate of two and one-half percent; and

(ii) Effective January 1, 1994, any amount over ten million dollars but less than or equal to eighty million dollars shall be taxed at the rate of three percent;

(d)(i) ~~(iii)~~ Any amount in excess of one hundred million dollars shall be taxed at the rate of five percent through December 31, 1990; and

(ii) Effective January 1, 1991, any amount in excess of eighty million dollars shall be taxed at the rate of four percent; and

(e)(i) ~~(iv)~~ An amount equal to two percent of the first taxable ~~ninety~~ seventy million dollars at each race ~~enclosure during a calendar year~~ meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in subdivisions ~~(b)(ii) and (b)(iii)~~ (b) through (d) of this subdivision through December 31, 1993; and

(ii) Beginning January 1, 1994, an amount equal to one percent of the first taxable seventy million dollars at each race meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in subdivisions (b) through (d) of this subdivision. ~~; and~~

~~(2) For meets commencing on or after January 1, 1991, any amount in excess of twenty million dollars shall be taxed at the rate of four percent.~~

A return as required by the Tax Commissioner shall be filed for a ~~race~~ racetrack enclosure for each month during which wagers are accepted at the enclosure. The return shall be filed with and the net tax due pursuant to ~~subdivisions (1) and (2) of~~ this section shall be paid to the Department of Revenue on the tenth day of the following month.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

SPEAKER BARRETT PRESIDING

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA423

P. 2, line 7 put a period after "sum", strike remaining language through "ten" on line 8.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 17:

Barrett
Beck
Beyer
Crosby
Elmer
Goodrich
Hall
Hefner
Johnson, L.
Korshoj
Landis
Nelson
Robak
Schellpeper
Wehrbein
Wesely
Withem

Present and not voting, 28:

Abboud
Ashford
Baack
Bernard-Stevens
Byars
Conway
Coordsen
Dierks
Haberman
Hannibal
Hartnett
Johnson, R.
Labedz
Lamb
Langford
Lynch
McFarland
Moore
Morrissey
Peterson
Pirsch
Rogers
Schimek
Schmit
Scofield
Smith
Warner
Weihing

Excused and not voting, 3:

Chizek
Kristensen
Lindsay

The Chambers amendment lost with 1 aye, 17 nays, 28 present and not voting, and 3 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on a Governor appointment.

Business and Labor
Laurie Camp - Commission of Industrial Relations

(Signed) Bernice Labedz, Chairperson
Legislative Council

Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 866A. Introduced by Lamb, 43rd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 866, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 395.

GENERAL FILE

LEGISLATIVE BILL 1055. Mr. Chambers offered the following amendment to the pending Standing Committee amendment:
FA424

Add new section: "The amount of any winning certificate which is not claimed within 6 months, shall be turned over to the State Treasurer to be deposited in the Unclaimed Property Fund and handled in the same manner as all other unclaimed property".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Chambers
Dierks
Haberman
Labedz
Lamb
Morrissey
Peterson
Schimek

Voting in the negative, 30:

Abboud
Ashford
Baack
Barrett
Beck

Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Goodrich
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
Moore
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Wehrbein
Wesely
Withem

Present and not voting, 7:

Elmer
Hartnett
Langford
McFarland
Smith
Warner
Weihing

Excused and not voting, 4:

Chizek
Kristensen
Lindsay
Lynch

The Chambers amendment lost with 8 ayes, 30 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Coordsen, Wesely, and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rogers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The third Standing Committee amendment was adopted with 32 ayes, 2 nays, 9 present and not voting, and 6 excused and not voting.

Messrs. Wehrbein and Abboud asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 4 nays, 9 present and not voting, and 8 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 402. Introduced by Dierks, 40th District.

WHEREAS, the Village of Royal was founded in northern Antelope County in 1890; and

WHEREAS, Royal exists today as an active community of about eighty-five residents; and

WHEREAS, the Royal area is home to two popular tourist attractions, the Midwest Primate Center and the Ashfall Fossil Site; and

WHEREAS, the Village of Royal celebrates its centennial this year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Village of Royal on its centennial celebration.
2. That a copy of the resolution be sent to the Village of Royal.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 1062 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3190.)

Mr. McFarland asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM3197

(Amendments to AM7187)

1. On page 1, lines 7 and 16, strike "a new section 14" and insert "new sections 14 and 15".

2. On page 5, line 18, after "Legislature" insert ", a member of the faculty of the institution chosen by the faculty,"; and in line 24 after the period insert "The member of the faculty who is a member of the board shall not have a vote unless the Constitution of Nebraska is amended to provide that a member of the faculty who is a member of a board of trustees shall be

entitled to vote.".

3. On page 6, line 16, after "office" insert "of the member of the faculty and".

4. On page 8, after line 1, insert the following:

"CVII-15 'Notwithstanding any other provision of the Constitution of Nebraska, a member of the faculty serving on a board of trustees shall be entitled to vote on issues before the board of trustees. This section shall not become effective after adoption unless the amendment proposed to Article VII, section 13 of the Constitution of Nebraska at the election in 1990 is also adopted.'.".

5. On page 12, after line 8, insert

" 'A constitutional amendment to provide that a member of the faculty serving on a board of trustees for a public postsecondary educational institution shall be entitled to vote on issues before the board.

For

Against'."; and in line 9 strike "either" and insert "any".

Mrs. Smith asked unanimous consent to print the following amendment to LB 1055 in the Journal. No objections. So ordered.

AM3195

1. Insert the following new section:

"Section 1. That section 2-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1201. There shall be and hereby is created a State Racing Commission consisting of three members who shall be appointed by the Governor with the approval of a majority of the Legislature and may be for cause removed by the Governor. One member shall be appointed each year for a term of three years. The members shall serve until their successors are appointed and qualified. Not more than two members of ~~said~~ the commission shall belong to the same political party. No ~~; no~~ two of ~~them~~ the members shall reside, when appointed, in the same congressional district, ~~;~~ and no two of ~~said~~ the members shall reside in any one county. Any vacancy shall be filled by appointment by the Governor with the approval of a majority of the

Legislature for the unexpired term. The members shall serve without compensation~~;~~ but shall be reimbursed for their actual and necessary expenses ~~incurred in the performance of their duties~~ as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The members of the commission shall be bonded under the blanket surety bond required by section 11-201.".

2. Amend the repealer and renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 11CA. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 42A, 931, 1059, 1059A, 1063A, 1222, 1222A, 1241, and 1244.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 931

The following changes, required to be reported for publication in the Journal, have been made:
ER6289

1. In the Standing Committee amendment, AM2642, on page 4, line 21, "by" has been struck and "in" inserted.
2. On page 3, line 17, "The" has been struck and shown as stricken; and in line 18 "resignation" has been struck, shown as stricken, and "Resignation" inserted.
3. On page 4, line 2, the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 1059

The following changes, required to be reported for publication in the Journal, have been made:
ER6278

1. In the Conway amendment, AM3140:

a. Sections 22 to 26 have been renumbered as sections 25 to 29 and the internal references changed accordingly;

b. On page 2, line 21, "effective date of this act" has been struck and "operative date of this section" inserted; and

c. Amendment 2 has been struck and the remaining amendment renumbered accordingly.

2. In the Schellpeper-Dierks amendment, AM3090, on page 1, line 11, "school" has been struck.

3. In the Ashford amendment, AM3069, on page 1, line 3, "(4)" has been struck and "(5)" inserted and the second "school" has been struck; in lines 5 and 6 "effective date of this act" has been struck and "operative date of this section" inserted; and in line 13 "operating" has been struck.

4. In the Withem amendment, AM3066:

a. Because of the Byars amendment, AM2847, amendment 12 has been struck;

b. On page 1, line 3 "Council" has been struck and "the comma" inserted; and in line 5 an underscored comma has been inserted after "Education"; and

c. On page 4, line 9, "and insert a comma" has been struck.

5. In the Byars amendment, AM2847, on page 1, line 3, the commas have been struck and "to" has been struck and "from" inserted.

6. In the E & R amendments, AM7185:

a. On page 1, line 14, "to provide for the contents of a report;" has been inserted after the first semicolon and "to eliminate the School Financing Review Commission;" has been inserted before "to"; and

b. On page 4, lines 3 and 4, "after 'of' insert 'operating' and" has been struck; and in lines 7 and 11 "and after 'of' insert 'operating' " has been struck.

7. In the Withem amendment, AM2820, on page 1, line 18, "operating" has been struck.

8. In the Standing Committee amendment, AM2309, on page 4, line 12, the second "and" has been struck.

9. On page 1, line 2, "79-201.09, 79-470," has been inserted after the first comma and "and" has been struck; and in line 3 "and 79-2317," has been inserted before "Reissue".

10. On page 2, line 1, "to define terms; to limit property tax increases for certain political subdivisions as prescribed; to provide for an election; to provide a termination date;" has been inserted after the first semicolon; in line 4 "to provide operative dates;" has been inserted after the first semicolon; in line 9 "and" has been struck and a comma inserted and "79-1380, and 79-1381," has been inserted after the comma; and in line 11 "and" has been struck and "79-1378,

79-1379, 79-1382, and 79-1383," has been inserted after the last comma.

11. On page 7, line 15, "assessed" has been struck.

12. On page 8, lines 20 and 21, ", to the department" has been struck.

13. On page 10, line 19; and page 22, line 25, "Office" has been struck and "Analyst" inserted.

14. On page 10, line 23, "succeeding" has been struck and "ensuing" inserted.

15. On page 18, line 17, "Support" has been inserted after "Opportunities".

16. On page 22, line 7, "equal" has been struck; and in line 8 "equal" has been inserted after "possible".

17. On page 24, line 1, "pupil" has been struck and "student" inserted; in line 15 "general fund operating expenditure" has been struck; in line 17 "such" has been struck and "the" inserted; and in line 21 "subsection" has been struck and "subdivision" inserted.

18. On page 26, line 12, "reserves" has been struck and "funds" inserted and "fund" has been struck and "funds" inserted.

19. On page 27, line 18; and page 33, line 9, "operating" has been struck.

20. On page 31, line 10, the first "school" has been struck; and in line 23 "state board" has been struck and "State Board of Education" inserted.

21. On page 32, line 10, "school" has been struck.

22. On page 50, line 9, "79-201.09, 79-470," has been inserted after the comma; in line 10 "and 79-2317," has been inserted before "Reissue"; and in line 15 "79-1340, 79-1342 to" has been inserted after "to".

23. The following new sections have been inserted:

"Sec. 35. That section 79-201.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201.09. The State Board of Education shall adopt rules and regulations necessary for the implementation of sections 79-201.01 to 79-201.09. Such rules and regulations shall provide for the computation and distribution of funds under ~~Chapter 79, article 13,~~ the Tax Equity and Educational Opportunities Support Act so that a school district which has converted to year-round operation will receive the same amount from each of the various funds as it would have received if it had not so converted.

Sec. 37. That section 79-470, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-470. No school district shall receive any portion of state funds pursuant to ~~Chapter 79, article 13,~~ the Tax Equity and Educational

Opportunities Support Act unless school ~~shall have~~ has been actually taught therein by a legally certificated teacher for the length of time required by law or unless the pupils residing therein have attended school in another district for the length of time required by law, except that ~~; PROVIDED,~~ in case of epidemic sickness or severe storm conditions prevailing to such an extent that the school board in any district ~~shall deem~~ deems it advisable to close any or all schools within the district, ~~or~~ if on account of the destruction of the schoolhouse it ~~shall be~~ is impossible to continue the school, or at the discretion of the State Board of Education, such closing of the school shall not prevent it from receiving its proper share of state funds. Such sickness, storm conditions, or destruction of the schoolhouse shall be sworn to by the secretary of the ~~district~~ school board and the oath filed with the county superintendent within ten days after the annual school meeting or election.

Sec. 42. That section 79-2317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2317. The portion of school funds allocated~~,~~ under the ~~provisions of Chapter 79, article 13,~~ Tax Equity and Educational Opportunities Support Act to any district which is a member of a federation shall be apportioned by the county superintendent between such district and the federation in the same proportions as the number of pupils such district has in actual attendance in all grades through six is to the number of pupils such district has in actual attendance in grades seven to twelve in facilities of the federation.".

24. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 1059A

The following changes, required to be reported for publication in the Journal, have been made:

ER6274

1. On page 1, line 6, "to state intent;" has been inserted after the semicolon.
2. On page 7, the matter beginning with "which" in line 9 through the first comma in line 10 has been struck and shown as stricken.

Enrollment and Review Change to LB 1222

The following changes, required to be reported for publication in the Journal, have been made:

ER6288

1. In the Smith amendment, AM2741, on page 3, line 22, "department" has been struck and "Department of Social Services" inserted.

2. In the E & R amendment, AM7182:

a. On page 1, line 4, ", 43-283" has been struck; in line 5 a comma has been inserted after "71-1904" and "and" has been inserted after the semicolon; and the matter beginning with the semicolon in line 7 through the quotation mark in line 10 has been struck; and

b. Amendment 3 has been struck and the remaining amendments renumbered accordingly.

3. On page 1, line 8, "to provide and change powers and duties for guardians ad litem, the State Foster Care Review Board, local foster care review boards, and the Department of Social Services; to provide for the admissibility of certain evidence in proceedings concerning juveniles; to limit liability; to redefine terms; to change provisions relating to membership on the State Foster Care Review Board;" has been inserted after the semicolon; and lines 10 and 11 have been struck.

4. On page 2, lines 1 and 2 have been struck; and in line 3 "duties" has been struck and "change provisions relating to review hearings; to provide a penalty; to require training in foster care as prescribed; to require the department to defray expenses as prescribed" inserted.

Enrollment and Review Change to LB 1241

The following changes, required to be reported for publication in the Journal, have been made:

ER6286

1. In the Chambers amendment, FA419, on page 1, line 8 "shall" has been struck and "will" inserted; and lines 14 through 17 have been struck and "possible individuals who are residents of the target area and, if it employes more than fifteen individuals within the boundaries of the target area, that during any twelve-month period at least one-third of the individuals employed for activities of the eligible business carried on within the target area will" inserted.

2. In the Standing Committee amendment, AM2501, on page 11, line 22, "The" has been struck and "Each of the" inserted; and in line 23 the second "members" has been struck and "a member" inserted.

3. On page 3, lines 24 and 25; and on page 4, lines 1 and 2, all semicolons have been struck, shown as stricken, and underscored commas inserted.

4. On page 28, line 22, an underscored comma has been inserted after "plan".

5. On page 30, line 18, an underscored comma has been inserted after "authority".
6. On page 32, line 14, an underscored comma has been inserted after "plan".
7. On page 33, line 20, "and" has been struck.

Enrollment and Review Change to LB 1244

The following changes, required to be reported for publication in the Journal, have been made:
ER6290

1. On page 8, line 6, ", has been filed by each of the beneficiaries" has been inserted after "assigns".

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1221. Title read. Considered.

Mr. Hannibal renewed his pending amendment, AM2397, found in the Journal on page 937.

Mr. Peterson, Mmes. Smith, and Langford asked unanimous consent to be excused. No objections. So ordered.

The Hannibal amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointment Wednesday, April 4, 1990 1:00 p.m.
Laurie Camp - Commission of Industrial Relations

(Signed) George Coordsen, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Beck asked unanimous consent to have her name added as co-introducer to LB 923. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 seniors and teacher from Gibbon High School; 57 fourth and fifth grade students and teacher from Holy Ghost School, Omaha; and Senator Haberman's son, Dr. Phil Haberman.

ADJOURNMENT

At 5:41 p.m., on a motion by Mr. Withem, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 28, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 28, 1990

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor J. Andrew Thompson, Corinth Memorial Baptist, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hefner who was excused; and Messrs. Abboud, Ashford, Conway, Hall, Hannibal, R. Johnson, Landis, Lindsay, Moore, Schmit, Mmes. Nelson, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1623, line 24, strike "bill" and insert "resolution".
The Journal for the Fifty-Second Day was approved as corrected.

REPORT

Received 1989 Annual Report of all Tort, Miscellaneous, Contract, and Civil Action claims administered by the Office of Risk Management, State Claims Board.

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointment Wednesday, April 4, 1990-cancel 1:00 p.m.
Laurie Camp - Commission of Industrial Relations

(Signed) George Coordsen, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 398. Read. Considered.

LR 398 was adopted with 19 ayes, 0 nays, and 30 not voting.

LEGISLATIVE RESOLUTION 399. Read. Considered.

LR 399 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 400. Read. Considered.

LR 400 was adopted with 24 ayes, 1 nay, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 457. Mr. Moore withdrew his pending motion to indefinitely postpone.

Mr. Conway reoffered his amendment, FA407, found in the Journal on page 1390.

The Conway amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment:
FA425

page 4 strike beginning with word "which" in line 24 and line 25. On page 5 beginning in line 1 strike thru "23-1114.01". In line 3 beginning with the word "within" strike through the word "charter" in line 6

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud
Ashford
Baack
Beck
Bernard-Stevens
Chizek
Conway
Crosby
Dierks
Goodrich
Haberman
Hall
Hannibal
Hartnett
Johnson, R.
Landis
Lynch
McFarland
Nelson
Pirsch
Schimek
Schmit
Warner
Weihing
Withem

Voting in the negative, 7:

Barrett
Coordsen
Kristensen
Lindsay
Scofield
Smith
Wesely

Present and not voting, 15:

Beyer
Byars
Chambers
Elmer
Johnson, L.
Korshoj
Labedz
Langford
Moore
Morrissey
Peterson
Robak
Rogers
Schellpeper
Wehrbein

Absent and not voting, 1:

Lamb

Excused and not voting, 1:

Hefner

The Warner amendment was adopted with 25 ayes, 7 nays, 15 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Beyer requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Baack
Beck
Bernard-Stevens
Chizek
Conway
Crosby
Goodrich
Haberman
Hall
Hannibal
Labedz
Lindsay
Lynch
Morrissey
Pirsch
Smith
Warner
Wesely

Voting in the negative, 25:

Abboud
Ashford
Barrett
Beyer
Byars
Coordsen
Dierks
Elmer
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Langford
Moore
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Scofield
Wehrbein
Weihing
Withem

Present and not voting, 4:

Chambers
Hartnett
McFarland
Schmit

Excused and not voting, 2:

Hefner
Landis

Failed to advance to E & R for review with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Withdraw LR 378

Mr. Elmer moved to withdraw LR 378.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1221. Mr. Withem asked unanimous consent to replace his pending amendment (1), AM2605, found in the Journal on page 875, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his pending amendment (1), AM2605, found in the Journal on page 875.

SPEAKER BARRETT PRESIDING

Mr. Withem offered the following substitute amendment:
FA426

1. Insert the following new section:

"Sec. 3. That section 18-1909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1909. All original and renewal licenses shall be good for one year from ~~their dates; PROVIDED,~~ the date of issuance, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the board showing the holder of the license to be ~~then~~ incompetent or guilty of a willful breach of the rules, regulations, or requirements of the board~~,~~ or of the laws or ordinances relating thereto~~,~~ or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.".

2. On page 2, line 6, strike "seven" and insert "eight"; and in lines 11 through 16 strike the new matter and insert "The board shall consist of an architect licensed to practice in the State of Nebraska and engaged in business in a city of the metropolitan class, a mechanical engineer licensed to practice in the State of Nebraska and engaged in business in a city of the Metropolitan class, two journeymen plumbers, two master plumbers, one member of the general public who is not associated with the plumbing business, and a chief health officer who shall serve as a nonvoting member of the board. Such members shall be appointed by the mayor with the consent of the city council. A member shall continue to serve until his or her successor has been appointed and qualified.".

3. On page 4, line 5, strike "All" and show as stricken; strike beginning with "plumbers" in line 5 through the period in line 7 and show the old matter as stricken; in line 16 strike "four members of the board" and insert "four voting members of the board"; and in line 21 after the period insert "The city or village shall make available to the board a location for the board to meet and conduct business at a time convenient for the members of the board.".

4. On page 5, line 5, after "(8)" insert "The

plumbing board in a city of the metropolitan class shall maintain a record of all complaints filed in the city regarding violations of the plumbing code and a record of the disposition of each such complaint.

(9)"; and in lines 15 through 18 strike the new matter and reinstate the stricken matter.

5. On page 6, lines 6, 12 through 17, 22, 23, and 25, strike the new matter and reinstate the stricken matter.

6. On page 7, lines 1 through 4, 6 through 9, and 15, strike the new matter and reinstate the stricken matter; in line 17 after the period insert "The Building Board of Review shall have the authority to hear appeals from the plumbing board in matters regarding variances and interpretation of ordinances, plumbing code changes, rules, and regulations. Such board shall adopt rules governing such appeals."; and in line 18 strike "section 18-1906" and insert "sections 18-1906 and 18-1909".

7. Renumber the remaining section accordingly.

The Withem amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Withem withdrew his pending amendments (1) through (19), AM2596, AM2597, AM2595, AM2604, AM2602, AM2611, AM2612, AM2613, AM2598, AM2610, AM2609, AM2603, AM2600, AM2606, AM2607, AM2599, AM2601, AM2608, found in the Journal on pages 875 through 878, AM2967, found in the Journal on page 1314, and AM3093, found in the Journal on page 1524.

Mr. Lynch renewed his pending amendment, AM3018, found in the Journal on page 1382.

Messrs. Haberman and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch withdrew his pending amendment.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 976. Title read. Considered.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch renewed her pending amendment, AM2843, found in the Journal on page 1248.

Messrs. Korshoj, Withem, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a division of the question on the Pirsch amendment.

Pending.

VISITORS

Visitors to the Chamber were 30 eighth and ninth grade students and teacher from Logan Fontanelle, Bellevue; Mr. and Mrs. Bob Taylor from Fremont: 17 fourth grade students and teacher from Columbian Elementary, Plattsmouth; 69 eighth grade students and teacher from Mary Our Queen School, Omaha; and Bill and Mariam Willers from Stanton.

RECESS

At 11:56 a.m.. on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford. Baack, Barrett, Dierks, Haberman, R. Johnson, Kristensen, McFarland. Moore, Rogers, Schellpeper, Schmit, Warner, Weihing, Withem. Mrs. Labedz, and Ms. Scofield who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 403. Introduced by Rogers, 41st District.

WHEREAS, KNLV Radio of Ord, Nebraska, will celebrate its twenty-fifth anniversary on the air on July 30, 1990; and

WHEREAS, KNLV Radio broadcasts at 1000 watts AM and 4.5 kilowatts FM; and

WHEREAS, KNLV Radio's primary signal serves the Region 26 area in north-central Nebraska while the secondary signal reaches to Kansas; and

WHEREAS, KNLV Radio provides news, weather, sports, public service announcements, and interviews as part of their adult contemporary musical format; and

WHEREAS, KNLV Radio has served as a vital communications link for Nebraska citizens in the north-central part of the state for the past twenty-five years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature sends its congratulations to the staff and management of KNLV Radio for twenty-five years of service.
2. That a copy of this resolution be sent to KNLV Radio in Ord, Nebraska, for its twenty-fifth anniversary celebration on July 30, 1990.

Laid over.

LEGISLATIVE RESOLUTION 404. Introduced by Chizek, 31st District.

WHEREAS, every year thousands of workers are killed on the job and millions more are injured or sickened by occupational hazards; and

WHEREAS, while some catastrophes draw media attention that focuses public attention briefly on the dangerous conditions in workplaces across the country, the daily toll of work-related injuries, illnesses, and fatalities is often known only to the families, friends, and fellow workers of the victims; and

WHEREAS, on April 28, 1990, the anniversary of the Occupational Safety and Health Act, the AFL-CIO will sponsor a Workers' Memorial Day to help bring to light the full scope of workplace injury and disease and to assist the labor movement's efforts to prevent needless loss of life, limb, and health.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature urges all citizens of Nebraska to join in the observation of Workers' Memorial Day in honor of all workers who have been killed, injured, or sickened by occupational hazards.

Laid over.

LEGISLATIVE RESOLUTION 405. Introduced by Conway, 17th District.

WHEREAS, Winside, Nebraska, was officially incorporated as a town on October 7, 1890, and will be celebrating its centennial July 20-23, 1990; and

WHEREAS, Settlement of the towns in the northeast area of Nebraska did not occur until the railroads began to arrive in the area in the 1880's; and

WHEREAS, Winside was chosen over the nearby town of Northside as the railroad's location for a station because it was in a more advantageous location for its purposes than Northside; and

WHEREAS, The name "Winside" is reflective of the fact that it won over Northside in its battle to be selected as the railroad's choice for a station location; and

WHEREAS, Even though the railroad has left the town, Winside remains viable; and

WHEREAS, A new book, "History of Winside, Centennial Edition", is being printed and will be available for the July celebration; and

WHEREAS, the people of Winside, in the celebration of their centennial, wish to honor those who, in the last one hundred years, have built and carried on the heritage of Winside.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Winside, Nebraska, be congratulated on the celebration of its centennial.
2. That a copy of this resolution be sent to the village of Winside.

Laid over.

LEGISLATIVE RESOLUTION 406. Introduced by Business and Labor Committee: Coordsen, 32nd District, Chairperson; Chambers, 11th District; Hefner, 19th District; Korshoj, 16th District; Lindsay, 9th District; Morrissey, 1st District; Pirsch, 10th District.

PURPOSE: The purpose of this resolution is to study Nebraska's Employment Security Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Reconsider Action on LB 457

Mr. Conway moved to reconsider the Warner amendment, FA425, to LB 457.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud and Mrs. Smith asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3159

(Amendments to Final Reading copy)

1. On page 19, strike line 7 and insert "any school year after school year 1989-90".

GENERAL FILE

LEGISLATIVE BILL 976. The Chambers pending request for a division of the question of the Pirsch amendment was renewed.

The Chair sustained the division of the question.

Messrs. Beyer and Lamb asked unanimous consent to be excused. No objections. So ordered.

The first Pirsch amendment is as follows:
FA427

1. On page 4, line 3, strike "IIIA", show as stricken, and insert "II"; in line 4 after "misdemeanor" insert "and be fined a minimum of three hundred dollars"; in lines 21 and 22 strike "an infraction"; show as stricken, and insert "a Class IV misdemeanor"; and in line 22 after "fined" insert "a minimum of".

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?"

Mrs. Langford moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

Mrs. Langford requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 21:

Abboud
Barrett
Beck
Byars
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Langford
Moore
Peterson
Pirsch
Rogers
Schellpeper
Wehrbein

Voting in the negative, 8:

Bernard-Stevens
Chambers
Conway
Landis
Morrissey
Schimek
Smith
Wesely

Present and not voting, 11:

Chizek
Haberman
Hall
Hannibal
Hartnett
Lindsay
Lynch
Nelson
Robak
Weihing
Withem

Excused and not voting, 9:

Ashford
Baack
Beyer
Labedz
Lamb
McFarland
Schmit
Scofield
Warner

The motion to cease debate lost with 21 ayes, 8 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 398, LR 399, and LR 400.

GENERAL FILE

LEGISLATIVE BILL 976. Mrs. Pirsch withdrew her pending amendment, FA427.

Mrs. Pirsch withdrew her remaining divided amendment.

Mrs. Pirsch withdrew her pending amendment, AM2844, found in the Journal on page 1248.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Messrs. L. Johnson, Peterson, Mmes. Pirsch, and Beck renewed their pending amendment, AM2799, found in the Journal on page 1345.

Mr. Chambers offered the following amendment to the pending L. Johnson et al. amendment:
FA428
P. 2, line 2 strike "IB" and insert "IC".

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baack

Bernard-Stevens
Chambers
Conway
Hall
Hartnett
Korshoj
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Schimek
Weihing

Voting in the negative, 17:

Abboud
Ashford
Beck
Byars
Coordsen
Crosby
Hefner
Johnson, L.
Kristensen
Langford
Moore
Peterson
Pirsch
Warner
Wehrbein
Wesely
Withem

Present and not voting, 12:

Barrett
Chizek
Dierks
Elmer
Goodrich
Haberman
Hannibal
Johnson, R.
Labedz
Rogers
Schellpeper
Smith

Excused and not voting, 5:

Beyer
Lamb
Robak
Schmit
Scofield

The Chambers amendment lost with 15 ayes, 17 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Landis offered the following amendment to the pending L. Johnson et al. amendment:
AM3205

(Amendments to AM2799)

1. On page 1, line 2, strike "(8), (15), and (16)" and insert "(11) and (12)"; in line 5 strike "(8), (15), and (16)" and insert "(11) and (12)"; and in line 8 strike "(15)" and insert "(11)".

2. On page 2, line 3, strike "(16)" and insert "(12)".

3. On page 3, line 9, strike "(17)" and insert"(13)"; and in line 10 strike "(15) or (16)" and insert "(11) or (12)".

4. Insert the following new amendments:

"1. Strike original section 2.

4. On page 4, lines 9 through 19; page 5, lines 10 through 25; page 6, lines 1, 2, 9 through 11, 16, and 19 through 25; page 7, lines 1 through 25; and

on page 8, lines 1 through 7, strike the new matter.

5. On page 6, lines 3 and 12 strike the new matter and reinstate the stricken matter.

7. On page 10, line 24, strike ‘sections’ and insert ‘section’ and strike ‘and’; and in line 25 strike ‘29-2262’ and strike ‘are’ and insert ‘is’.

8. Renumber the remaining section accordingly.”.

5. Renumber the remaining amendments accordingly.

Messrs. Haberman, R. Johnson, Mmes. Labedz, and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Messrs. Moore and Withem asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

The Landis amendment was adopted with 23 ayes, 14 nays, 3 present and not voting, and 9 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

March 28, 1990

Mr. President. Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform you, the honorable members of the Legislature, that upon her request, the appointment of:

Laurie Camp

to the Commission of Industrial Relations is hereby withdrawn.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:cdg

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1062A. Introduced by Bernard-Stevens, 42nd District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1062, Ninety-first Legislature, Second Session, 1990.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 1151 in the Journal. No objections. So ordered.

AM3202

(Amendments to Standing Committee amendments, AM2685)

1. Insert the following new section:

"Sec. 22. That section 81-15,102.01, Revised Statutes Supplement, 1988, be amended to read as follows:

81-15,102.01. (1) Any owner of real property that is within a ~~three-mile~~ fifteen-mile radius of the facility ~~on the date a license for such facility is granted~~ who believes that his or her property has declined in value as a result of siting or construction of the facility or his or her heirs or assigns may apply for compensation as provided in this section. Any application for compensation shall be filed within ~~five~~ thirty years of the date the facility ~~first begins accepting low-level radioactive waste~~ is operational. Upon application by a real property owner, the ~~county board of the county in which the facility is located~~ board appointed pursuant to subsection (2) of this section shall hold a hearing to determine whether a loss of real property value has occurred. In reaching a decision, the ~~county~~ board shall consider the value of such property on the date a license is ~~granted to~~ applied for by the developer, using appraisals, valuations made by the county assessor of the county, data developed by the Department of Revenue, and any other relevant data, including appraisals which the ~~county~~ board may order. If the real property owner establishes by a preponderance of the evidence that his or her property has suffered loss which has not previously been compensated due to the siting or construction of the facility, the developer shall provide compensation to the real property owner for the amount of the loss. Compensation and the cost of operating the board shall be provided by the developer from fees assessed upon generators of low-level radioactive waste at the time such waste is delivered to the facility. Any real property owner aggrieved by a final decision of the ~~county~~ board shall be entitled to an appeal in the same manner as appeals are taken pursuant to section 23-135.

(2) There is hereby created a hearing board the members of which shall be appointed by the county board in which the facility is located. Such hearing board shall consist of three members and shall hold the hearings required in subsection (1) of this section. Each member of the hearing board shall be a licensed real estate appraiser and shall reside or maintain a place of business within fifty miles of the facility. Each member shall serve for a term of three years and may be reappointed. A member may be removed for cause by the county board. A member shall be reimbursed for his or her actual and necessary expenses as provided in sections 81-1174 to 81-1177 and shall receive a per diem for each day actually engaged in the discharge of his or her duties. The per diem allowed shall be set by the county board.

~~(2)~~ (3) As used in this section, real property owner shall mean the owner of record in the office of the county register of deeds on the date a license is granted to the developer as provided in section 81-15,101 or his or her heirs or assigns.".

2. On page 3, line 21, after the last comma

insert "section 81-15,102.01, Revised Statutes Supplement, 1988,".

3. Renumber remaining sections accordingly.

Mr. Coordsen asked unanimous consent to print the following amendment to LB 1141 in the Journal. No objections. So ordered.

FA430

On page 9, lines 8, 16, and 24, strike "and" and insert "the Governor with the approval of a majority of the Legislature".

Mr. Withem asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

FA431

Line 3, page 3 - strike "finds and"

Mr. Withem asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

FA432

Page 44, line 17, after 1990 strike all new language.
Line 18 - strike new language.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 90025

DATE: March 28, 1990

SUBJECT: The Constitutionality of Amendment 2294 to Legislative Bill 662:
Restraint on Protected Speech in Violation of Nebraska Constitution, Art. 1, Section 5.

REQUESTED BY: Senator Arlene Nelson
District #35

WRITTEN BY: Robert M. Spire, Attorney General
Royce N. Harper, Senior Assistant Attorney General

SUMMARY OF ANSWERS TO QUESTIONS ASKED BY SENATOR NELSON

The legal questions here relate to AM 2294 of LB 662 which was adopted March 1, 1990. LB 662 to be known as the Family Services Incentive Act for Communities, provides for the creation of an incentive grant program to encourage and assist communities in the development and implementation of family-centered, community based services for children and families. Eligible applicants shall include school, committees, school districts, political subdivisions, public or private nonprofit agencies, or federally recognized or state-recognized Indian tribes. The Director of Social Services, upon the recommendation of the Commission and the Commissioner of Education, the Director of Health and the Director of Public Institutions shall award start-up grants to eligible applicants. The Act provides for an array of family oriented services.

In your letter, you expressed concern about the constitutionality of AM 2294 which states that services eligible for funding shall not include performance of or counseling or referral for abortion or distribution of or counseling or referral for contraceptives. You asked whether or not that provisions violates Section 5 of Art. I, of the Nebraska Constitution which states that, "Every person may freely speak, write and publish on all subjects. . . "

The effect of AM 2294 is to deny state start-up funding for abortion and contraceptive counseling and referral, and for the performance of abortion and the distribution of contraceptives. Abortion and contraceptive counseling and referral are constitutionally protected speech. Clearly, the United States Constitution and the Nebraska Constitution prohibit unreasonable interference with the right of potential grantees under LB 662 to engage in these protected speech activities. The State may not penalize persons for exercising their constitutional right to free speech, nor may it deny a benefit to a person on a basis that infringes on constitutionally protected speech.

However, the United States Supreme Court has unequivocally affirmed that a State has no constitutional obligation to fund or promote abortion or contraception and can establish a policy in favor of normal childbirth.

Whether AM 2294 could be determined to be unconstitutional depends upon whether it is construed as an impermissible interference in a constitutionally protected speech activity, or whether it is state activity to control the use of its funds, and to encourage natural birth control and normal childbirth as consonant with legislative policy.

It is our opinion that AM 2294 is constitutionally suspect due to its overbreadth and vagueness, and arguably, impermissible interference in constitutionally protected speech activities.

Detailed Analysis and Response to Questions Asked By Senator Nelson

QUESTION 1:	Is the section in LB 662 constitutionally suspect which provides that funding of public entities and private non-profit agencies for family services shall not include performance of or counseling or referral for abortion or distribution of or counseling or referral for contraceptives.
CONCLUSION:	Yes. The prohibition on "counseling or referral" would make the bill constitutionally suspect."

We are aware of no Nebraska Case addressing the issue of whether abortion and contraceptive counseling and referral services are constitutionally protected speech under Act. I, Section 5 of the Nebraska Constitution. Nor are we aware of any Nebraska case addressing the issue of whether the State's denial of funding to abortion and contraceptive counseling and referral services would violate Act. I. Section 5.

Absent Nebraska case law, we turn to the United States Supreme Court and other federal courts that have addressed this question under the First Amendment of the United States Constitution, which prohibits infringement of free speech, and is made applicable to the States through the Fourteenth Amendment. These cases direct our answers, since the constitutional guarantees of freedom of speech are the same under both the Nebraska and United States Constitution. State v. Simants, 194 Neb. 783, 236 N.W.2d 794, 799 (1975).

The question asked requires analysis of two lines of cases: 1) those cases protecting abortion and contraceptive counseling and referral as free speech. Bigelow v. Virginia, 421 U.S. 809 (1975); and 2) those cases upholding a State's prerogative to adopt a policy favoring normal child birth to abortion and contraception, with no constitutional obligation to fund or promote abortion or contraceptive. Harris v. McRae, 448 U.S. 297 (1980); Maker v. Roe, 432 U.S. 464 (1977).

AM 2294 to LB 662 implicates both constitutionally protected speech rights, and the rights of a State to adopt a policy favoring normal childbirth. Determination of AM 2294's constitutionality revolves on whether it is construed as an impermissible interference with constitutionally protected speech activity, or whether it is State encouragement of activity consonant with State legislative policy favoring normal childbirth and natural family planning. See Makee at 475.

The Ninth Circuit in Planned Parenthood v. Arizona, 718 F.2d 938 (9th Cir. 1983), appeal after remand, 789 F.2d 1348 (1986), affirmed, sub nom. Babbitt v. Planned Parenthood, 479 U.S. 925 (1986), considered the footnote to an Arizona appropriation bill that forbade expenditure of State social services funds to non-governmental organization that perform abortions and engage in abortion-related activities. As to the first paragraph of the Arizona statute prohibiting State funds for abortion-related services, the court concluded that "Arizona may not unreasonably interfere with the right of Planned Parenthood to engage in abortion or abortion-related speech activities, but the State needs not support, monetarily or otherwise, those activities." Id. at 944. However, on appeal after remand, the court found that the second paragraph of the statute prohibiting use of State funds by organization that offer abortion-related services, even if State funds are not used for abortion-related services, to be unconstitutional. 789 F.2d at 1351.

The court stated that the "State's constitutional purpose of promoting childbirth over abortion 'may not be achieved by means which are unnecessarily broad and thereby invade the area of protected freedom.' " 718 F.2d at 944. (citations omitted). The court found the second paragraph to be unconstitutional because the statute was not drawn "as narrowly as possible to permit the State to control use of its funds while infringing minimally on exercise of constitutional rights." Id. at 945.

It is not clear from AM 2294 whether it would deny funding only for the excluded abortion or contraceptive services, or whether it would deny funding totally to applicants providing these services, but with other than State funds, within the prevention, early identifications and intervention services eligible for funding. If the amendment would require the State to deny funding to an applicant whose prevention, early identification, and intervention services include abortion or contraceptive services, even though the applicant is not requesting funding for the abortion and contraceptive services, the statute most likely would be found to be unconstitutionally overbroad as was the Arizona statutes.

In Webster v. Reproductive Health Servs., 109 S.Ct. 3040 (1989), rev'g, 851 F.2d 1071 (8th Cir. 1988), the Eighth Circuit at the appellate level held the Missouri statute prohibiting "encouraging or counseling for an abortion" was unconstitutionally vague. 851 F.2d at 1079. The court said the word "counsel" was "fraught with ambiguity; its range . . . {is} incapable of objective measurement. In such circumstance, the threat to the exercise of constitutionally protected rights to tangible, possible targets of the statute are chilled into avoiding even speech that is normally afforded the utmost protection under the constitution." Id. at 1078.

This question was not considered by the Supreme Court in Webster because it was rendered moot by appellees withdrawal of its claim. However, the court said the "threshold question is whether this provision reaches primary conduct, or whether it is simply an instruction to the State's fiscal affairs not to allocate funds for abortion counseling. In Webster, Missouri claimed that the Statute was " 'not directed at the conduct of any physician or health care providers. . . . ' but . . directed solely at those persons responsible for expending public funds.' "

In a note, the court said that although the court of appeals did not address this issue, the district court found the definition of public funds " 'broad enough to make encouraging or counseling' unlawful for anyone who is paid from' public funds" defined in the statute. 109 S.Ct. 3053 N. 11.

AM 2294 appears to be vulnerable to constitutional attack in several respects. It implicates both constitutionally protected speech rights and the right of a State to adopt a policy favoring normal childbirth over abortion. Because the First Amendment is involved, the statute will be subject to a strict scrutiny analysis, requiring a compelling State interest to interfere with protected speech activities. Elrod v. Burns, 427 U.S. 347, 362 (1976). Although the State is not required to show a compelling State interest for its policy choice to favor normal childbirth, AM 2294 may be viewed as constitutionally vague and overbroad, and, therefore, be found to exert direct state interference with protected speech activity, rather than constitutionally permitted State encouragement of a procreative and childbirthing preference. Clearly, the State is permitted refusal to fund performance of abortion and distribution of contraceptives. Harris v. McRae; Maker v. Roe. The constitutionally protected speech activities of counseling and referral however, require narrow statutory construction to permit the State to control the use of its funds with minimal infringement on the exercise of constitutionally protected rights. Planned Parenthood at 945.

The Ninth Circuit in Planned Parenthood suggested that a more narrowly drawn statute would simply forbid entities receiving State funds from using those funds for abortions and the related specified activities. Id.

However, the State would be allowed to show that withdrawal of all funds would be the only way to insure that no funds were being expended for the ineligible activities. Id. at 946. More troublesome with AM 2294 however is the ambiguity of the words counseling and refusal. The statute is unclear as to what "counseling and referral for" means. Can abortion or contraceptive be mentioned at all? Can questions by a client about abortion or contraception be answered?

Can no referral be made to any agency providing abortion or contraceptive counseling when the grantee program does not provide these services?

The statute's failure to make clear the answer to these questions, in our opinion, causes the statute to be unconstitutionally vague as to its meaning and applications. It fails to give fair notice of proscribed activity and encourages arbitrary and erratic behavior on the part of those who must enforce the statute. Id. at 947 (citation omitted).

Our analysis directs us to answer that AM 2294 is constitutionally suspect.

Respectfully submitted,
ROBERT M. SPIRE
Attorney General
(Signed) Royce N. Harper
Senior Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
15-04-4

Opinion No. 90026

DATE: March 28, 1990

SUBJECT: LB 1141; Constitutionality of Various Appointment Procedures for the Nebraska Higher Education Commission in Light of Article IV, Section 10 of the Nebraska Constitution

REQUESTED BY: Senator George Coordsen
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Dale A. Comer, Assistant Attorney General

LB 1141 is legislation offered to implement LR 239CA, a proposed constitutional amendment which would abolish the present Board of Regents of the University of Nebraska and the present Board of Trustees of the Nebraska State Colleges in favor of a Board of Regents for Nebraska Higher Education. The new board would govern all public postsecondary educational institutions in Nebraska which offer undergraduate or graduate degrees.

Section 7 of LB 1141 creates a Nebraska Higher Education Commission consisting of 12 members. One member, the chairperson, would be a citizen-at-large appointed by the Governor. An additional eight members would be appointed by and from the Board of Regents for Nebraska Higher Education, the technical community college area boards, and the governing boards of independent colleges and universities in Nebraska. The final three members would be an owner, shareholder or board member of a proprietary school in this state, appointed by the Governor, and the Governor and Commissioner of Education or their designees. Two members of the Legislature would also be appointed by the Executive Board of that body to sit with the Commission and participate in discussions and recommendations, but those Senators could not vote or participate in any administrative function or decision of the new Commission. The members of the Nebraska Higher Education Commission would generally have three-year terms of office, and the Commission itself would have a number of duties with respect to postsecondary educational issues including developing plans and procedures for matters of statewide educational concern, facilitating communication and coordination among various educational institutions, establishing and maintaining a higher education information system, and administering the State Scholarship Award Program Act.

You have requested our opinion as to whether Section 7 of LB 1141 is constitutional under Article IV, Section 10 of our Nebraska Constitution. If there are any constitutional problems with Section 7, you have further inquired as to whether those problems can be cured if the voters approve the constitutional amendment set out in LR 239CA. We have reviewed the bills in question, and we believe that there are constitutional objections which can be raised with regard to Section 7. Moreover, we do not believe that those objections can be remedied if LR 239CA is voted into law.

Article IV, Section 10 of our Nebraska Constitution provides, in pertinent part:

> The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature.

Since Article IV, Section 10 applies to "offices," a threshold question in connection with your inquiry is whether positions on the proposed Nebraska Higher Education Commission are "offices" within the constitutional provision. We believe that they are.

Our supreme court has indicated that a public office is a place in government created by law which assigns to the incumbent the continuous performance of certain permanent public duties. Eason v. Majors, 111 Neb. 288, 196 N.W. 133 (1923). Indicia of a public office include:

1. Creation by constitution or a statute,
2. A continuing position not occasional or contractual,
3. A fixed term of office, and
4. The official has an independence beyond that of employees.

63A Am.Jur.2d Public Officers and Employees §9. Under these criteria, we believe that LB 1142 would create public offices with respect to the Nebraska Commission on Higher Education. That body would be a continuing agency established by statute. Commissioners would have a fixed term and would have independent authority beyond that of employees. Consequently, appointments to the Nebraska Commission on Higher Education would be subject to Article IV, Section 10 of our state Constitution.

LB 1141 provides that various members of the Nebraska Higher Education Commission will be appointed by the Governor, by the Board of Regents for Nebraska Higher Education, and by other bodies. The initial question we must address in responding to your opinion request is whether appointments may be constitutionally made by entities other than the Governor.

As noted above, Article IV, Section 10 of our state Constitution provides that the Governor shall appoint all persons "whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for. . ." Nebraska Constitution, Article IV, Section 10 (Emphasis added). The language emphasized in this portion of Article IV, Section 10 seems to indicate that the Legislature could, by law, allow authorities other than the Governor to make some appointments. An early Nebraska case supports such a conclusion.

In State v. Holcomb, 46 Neb. 88, 64 N.W. 437 (1895), our supreme court discussed language found in Article V, Section 10 of the Nebraska Constitution of 1875, a section which was virtually identical to the current Article IV, Section 10. The court stated:

> However, a careful analysis of the above section {Article V, Section 10} discloses that power is thereby conferred upon the governor to appoint two classes of officers, viz., (1) those whose offices are established by the constitution itself, and (2) those whose offices are created by law and whose appointment or election is not otherwise provided for. The phrase, "whose appointment or election is not otherwise * * * provided for," is an apparent limitation upon the preceding general language, and read

> by itself impliedly authorizes the legislature to prescribe the manner of selecting all officers of its own creation.

As a result, we believe that, in proper instances, the Legislature can authorize governmental entities other than the Governor to make appointments. However, under Article IV, Section 10 of our Constitution, those appointments may not be made by the Legislature itself.

LB 1141 also provides the certain members of the Nebraska Higher Education Commission shall be "from" the Board of Regents for Nebraska Higher Education, the technical community college area boards and the governing boards of independent colleges and universities in the state. We assume that the intent of this provision is that members of each of these various governing boards shall also serve on the Commission. Certain aspects of this provision are of suspect constitutionality under Article IV, Section 10 of our state Constitution.

In Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N.W.2d 166 (1974), our supreme court considered the constitutionality of Neb.Rev.Stat. §2-1504 (Cum.Supp. 1972) which provided for certain appointments to the Nebraska Natural Resources Commission. Specifically, that statute provided that the Natural Resources Commission would include members who were the deans of various colleges at the University of Nebraska and the state Director of Water Resources. The court stated that the state Director of Water Resources could serve on the Commission since he was a state officer and the Legislature could impose additional duties upon him. On the other hand, the University officials in question were not state officers, and their appointments by statute violated the state Constitution. The court stated,

> The members of the commission who are officers of the University of Nebraska are not state officers. Their designation by the Legislature as members of the Commission was a legislative appointment in violation of Article IV, section 10, Constitution of Nebraska.

Neeman v. Nebraska Natural Resources Commission, 191 Neb. 676, 217 N.W.2d at 170 (citations omitted).

In the present instance, members of the Board of Regents for Nebraska Higher Education and members of the technical community college area boards appear to be state officers. As such, the Legislature could require them to serve on the Nebraska Higher Education Commission as an additional part of their duties. In contrast, members of the governing boards of the independent colleges and universities of the state are not governmental officers, and it appears to us that a statutory appointment from those boards to the Commission could constitute an impermissible legislative appointment for the reasons stated in the Neeman decision.

Finally, we believe that there is one additional constitutional problem with those provisions of Section 7 of LB 1141 which require that certain members of the Nebraska Higher Education Commission be "from" various institutional governing bodies. We have noted similar problems in previous opinions of this office dealing with limited appointment provisions. See, Opinion of the Attorney General No. 87045, April 7, 1987; Opinion of the Attorney General No. 95, June 3, 1985; Opinion of the Attorney General No. 204, February 26, 1982; Report of the Attorney General, 1977-1978, No. 227 at 347. In Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966), our supreme court held that a statute providing that the Board of Directors for a public electric corporation would be selected from members residing in nine regions violated Article IV, Section 10 of the Nebraska Constitution when five of those regions contained only one person qualified to receive the appointment. The court stated:

> The right of the Legislature to prescribe reasonable qualifications of one to be appointed to office is not disputed. But the Legislature is prohibited by constitutional provision from appointing officers whose offices are created by law, either directly or indirectly. The provisions of the Act which limit the appointment of grid system directors by the Governor to a certain unnamed individual or to a limited few, is an encroachment by the Legislature upon the powers of the Governor and is void as violative of Article IV, section 10, of the Constitution of Nebraska.

Wittler v. Baumgartner, 180 Neb. at 460, 144 N.W.2d at 71 (Emphasis added). Section 7 of LB 1141 provides that eight members of the Nebraska Higher Education Commission shall be appointed from the limited membership of the various boards listed in the bill. For the reasons set out in the Wittler case, we believe this limited appointment provision violates Article IV, Section 10.

In sum, we believe that there are two possible constitutional problems with Section 7 of LB 1141 under Article IV, Section 10 of our Nebraska Constitution. First, the appointment of individuals "from" the governing boards of private institutions who are not state officers may be considered an impermissible legislative appointment. More importantly, the limited nature of the appointments possible from the various boards listed in the bill appears to create a clear violation of Article IV, Section 10. We have reviewed LR 239CA, the bill which proposes a constitutional amendment to reorganize the state's higher education system. The main provisions of that resolution simply describe the reorganized governing bodies involved, and do not mention either the Nebraska Higher Education Commission or Article IV, Section 10 of the Constitution. Therefore, we do not believe that passage and voter approval of LR 239CA would cure the constitutional defects which we have noted.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

5-163-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Coordsen asked unanimous consent to have his name added as co-introducer to AM3190 to LB 1062. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 866. No objections. So ordered.

VISITORS

Visitors to the Chamber were UNL students Alison Paul, Alison Sharp, and Steve Lumsden from England; Jan Aver from Syracuse and Lynne Wild from Lincoln; Shirley Hestekind from Neligh, Karen Ohlrich from Brunswick, and Lisa Kerkman from Elgin; and 17 fourth grade students and teacher from Murdock.

ADJOURNMENT

At 4:07 p.m., on a motion by Mr. Morrissey, the Legislature adjourned until 8:00 a.m., Thursday, March 29, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 29, 1990

LEGISLATIVE JOURNAL

FIFTY-FOURTH DAY - MARCH 29, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 29, 1990

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Kerry Relihan, Evangelical Free Church, Stromsburg, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Lamb who was excused; and Messrs. Beyer, Chambers, Conway, Haberman, Hall, Hartnett, Lindsay, Warner, Wesely, Mmes. Beck, Labedz, Pirsch, and Ms. Schimek who were excused until they arrive.

MR. L. JOHNSON PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rural Health Manpower Commission
Kimberly Ann Apker

Commission for Hearing Impaired
Marion Reyburn
Jerry Siders
Jack Hart

VOTE: Aye: Senators Byars, Crosby, Dierks, Lynch, Schellpeper, Wesely. Nay: None. Absent: Senator Goodrich.

(Signed) Don Wesely, Chairperson

MOTION - Suspend Rules

Mr. Barrett moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of bills bracketed for 3/30/90 on final reading today.

MR. MCFARLAND PRESIDING

The Barrett motion to suspend the rules prevailed with 32 ayes, 0 nays. 3 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1031. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1989, LB 301, section 1; Laws 1989, LB 813, sections 16, 28, 29, 30, 36, 63, 76, 85, and 87; and Laws 1989, LB 814, sections 40, 49, and 62; to define terms; to change certain appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government and capital construction; to provide for a council; to state intent; to eliminate a provision dealing with capital expenditures; to repeal the original sections, and also Laws 1989, LB 814, section 4; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Korshoj

Present and not voting, 3:

Abboud
Baack
Schmit

Excused and not voting, 6:

Chambers
Hall
Labedz
Lamb
Lynch
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 1125. With Emergency.

A BILL FOR AN ACT relating to personnel service; to amend sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1989; to extend authority to adjust terms and conditions of employment to fiscal year 1990-91; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Baack
Schmit

Excused and not voting, 6:

Chambers
Hall
Labedz
Lamb
Lynch
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1170. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to allow the statutory limit for the National Guard tuition credit program to be reached; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Ashford
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Baack
Schmit

Excused and not voting, 6:

Chambers
Hall
Labedz
Lamb
Lynch
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 536 to Select File

Mr. Haberman moved to return LB 536 to Select File for the following specific amendment:
FA429
Strike the enacting clause.

Mr. Haberman withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 536.

A BILL FOR AN ACT relating to public assistance; to amend section 43-512, Revised Statutes Supplement, 1989; to authorize an additional aid to dependent children payment as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Korshoj
Schmit

Excused and not voting, 4:

Chambers
Hall
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1220.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602 and 85-122, Revised Statutes Supplement, 1989, and Laws 1989, LB 814, sections 47 and 62; to change provisions for disbursement of a tax as provided; to transfer and appropriate funds; to create a fund and provide for disbursement of money in the fund; to state intent; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Schellpeper
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 2:

Korshoj
Morrissey

Present and not voting, 2:

Rogers
Schmit

Excused and not voting, 4:

Chambers
Hall
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1126.

A BILL FOR AN ACT relating to appropriations; to state intent to increase payments to certain caregivers as prescribed; and to appropriate funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck

Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers
Hall
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 898. With Emergency.

A BILL FOR AN ACT relating to the University of Nebraska; to authorize the Board of Regents to develop plans for a Trailside Complex at Fort Robinson State Park and a public events center/headquarters building at Mead, Nebraska, as prescribed; to state intent: to appropriate money as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 3:

Lindsay
Moore
Morrissey

Present and not voting, 4:

Byars
Hannibal
Langford
Withem

Excused and not voting, 4:

Chambers
Hall
Lamb
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 899. With Emergency.

A BILL FOR AN ACT relating to Kearney State College; to state intent; to appropriate funds for a feasibility study and program statement for an alternate capital construction project; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 2:

Haberman
Moore

Present and not voting, 2:

Peterson
Withem

Excused and not voting, 4:

Chambers
Hall
Lamb
Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 163.

A BILL FOR AN ACT relating to waste management; to state intent; to create funds; to provide for the use of such funds; to provide for fees for the purchase of tires and for certain businesses as prescribed; to provide for grants for waste reduction and recycling programs and projects as prescribed; to provide procedures for the awarding of such grants; to provide for a comprehensive waste management plan; to appropriate funds; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Ashford
Baack
Beck
Bernard-Stevens
Beyer
Conway
Crosby
Dierks
Hartnett
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Pirsch
Robak
Rogers
Schellpeper
Scofield
Wehrbein
Wesely
Withem

Voting in the negative, 14:

Abboud
Barrett
Byars
Coordsen
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Langford
Peterson
Schmit
Warner
Weihing

Present and not voting, 4:

Chizek
Hannibal
Nelson
Smith

Excused and not voting, 4:

Chambers
Hall
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 163A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Ashford
Baack
Beck
Bernard-Stevens
Beyer
Conway
Coordsen
Crosby
Dierks
Hartnett
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 11:

Abboud
Barrett
Byars
Elmer
Goodrich
Haberman
Hefner
Langford
Peterson
Schmit
Weihing

Present and not voting, 2:

Chizek
Hannibal

Excused and not voting, 4:

Chambers
Hall
Lamb
Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 164.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to require the acquisition and operation of Joslyn Castle; to create funds; and to state intent relating to expenditures for restoration and improvements.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 2:

Haberman
Schmit

Present and not voting, 5:

Coordsen
Korshoj
Lynch
Peterson
Rogers

Excused and not voting, 3:

Chambers
Hall
Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 164A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 164, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 2:

Haberman
Schmit

Present and not voting, 3:

Korshoj
Peterson
Rogers

Excused and not voting, 4:

Chambers
Hall
Lamb
Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 187 to Select File

Mr. Moore renewed his pending motion, found in the Journal on page 646, to return LB 187 to Select File for his specific amendment, FA354.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1031, 1125, 1170, 536, 1220, 1126, 898, 899, 163, 163A, 164, and 164A.

MOTION - Return LB 187 to Select File

Mr. Moore renewed his pending motion to return LB 187 to Select File for his specific amendment, FA354.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 187.

A BILL FOR AN ACT relating to medical costs; to amend sections 29-1004, 68-104, 68-126, 68-133, 68-139, and 77-1601, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the payment of costs for prisoners; to change responsibilities of the state and counties regarding medical assistance to the poor; to provide requirements for such assistance; to provide procedures for providing such assistance; to provide for audits; to provide for subrogation; to authorize rules and regulations; to limit the total cost of such assistance; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Pirsch
Robak

Schellpeper
Smith
Weihing
Withem

Voting in the negative, 13:

Abboud
Beyer
Conway
Hannibal
Moore
Nelson
Peterson
Rogers
Schimek
Scofield
Warner
Wehrbein
Wesely

Present and not voting, 2:

Langford
Schmit

Excused and not voting, 1:

Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 187A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 187, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Schellpeper
Schimek
Smith
Weihing
Wesely
Withem

Voting in the negative, 4:

Abboud
Langford
Moore
Warner

Present and not voting, 7:

Beyer	Peterson	Schmit	Scofield	Wehrbein
Hannibal	Rogers			

Excused and not voting, 1:

Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 220 to Select File

Mr. Hannibal moved to return LB 220 to Select File for his specific amendment, AM3050, found in the Journal on page 1448.

The Hannibal motion to return prevailed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 220. The Hannibal specific amendment, AM3050, found in the Journal on page 1448, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for re-engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to schools; to amend sections 79-402, 79-402.03, 79-402.04, 79-402.11, 79-426.01, 79-426.02, 79-426.17, and 79-490, Reissue Revised Statutes of Nebraska, 1943, sections 79-426.08 and 79-4,158.01, Revised Statutes Supplement, 1988, sections 79-4,105.01 and 79-4,140.16, Revised Statutes Supplement, 1989, and Laws 1988, LB 940, section 18; to state intent; to define and redefine terms; to provide authority for, a method for, and a procedure for Class I districts to affiliate with other districts; to provide powers and duties; to provide for bonded indebtedness and authorize issuance of bonds as prescribed; to provide for a levy and the computation thereof; to provide for eligibility for state aid for certain students in an affiliated school system; to change provisions for transportation of certain students; to provide for a hearing; to provide penalties; to change provisions relating to advisory committee members; to change a provision relating to accreditation; to provide for revival or repeal of certain sections as prescribed; to extend an operative date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Elmer
Goodrich
Hall
Hannibal
Hartnett
Johnson, L.
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Rogers
Schimek
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 13:

Coordsen
Dierks
Haberman
Hefner
Johnson, R.
Korshoj
Langford
Peterson
Schellpeper
Schmit
Scofield
Smith
Warner

Present and not voting, 2:

Beck
Robak

Excused and not voting, 1:

Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 259A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Elmer
Goodrich
Hall
Hannibal
Hartnett
Johnson, L.
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Pirsch
Rogers
Schellpeper
Schimek
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 7:

Haberman
Hefner
Korshoj
Langford
Peterson
Schmit
Scofield

Present and not voting, 4:

Coordsen
Dierks
Lynch
Robak

Excused and not voting, 1:

Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 260 to Select File

Mr. Chambers moved to return LB 260 to Select File for the following specific amendment:
FA433
Strike the enacting clause.

The Chambers motion to return lost with 6 ayes, 21 nays, 20 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 260.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3906, Reissue Revised Statutes of Nebraska, 1943; to provide for a tax on marijuana and controlled substances; to define terms; to provide powers and duties for the Tax Commissioner and Department of Revenue relating to the collection and enforcement of such tax as prescribed; to harmonize provisions; to provide penalties; to provide an operative date; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Landis
Langford
Lindsay
Moore
Nelson
Peterson
Pirsch
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Withem

Voting in the negative, 8:

Chambers
Haberman
Korshoj
McFarland
Morrissey
Robak
Schimek
Wesely

Present and not voting, 3:

Crosby
Johnson, R.
Weihing

Excused and not voting, 2:

Lamb
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 260A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 260, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 6:

Chambers
Haberman
Korshoj
Morrissey
Robak
Wesely

Present and not voting, 2:

Crosby
Johnson, R.

Excused and not voting, 2:

Lamb
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 272A to Select File

Mr. Haberman moved to return LB 272A to Select File for the following specific amendment:
FA434
Strike the enacting clause.

Mr. Haberman withdrew his motion to return.

Mr. Landis moved to return LB 272A to Select File for the following specific amendment:
FA435
by removing the E clause.

Mr. Landis withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 272A. With Emergency.

A BILL FOR AN ACT relating to industrial loan and investment companies; to define terms; to state intent and purpose; to provide a procedure for the payment of certain claims of depositors as prescribed; to provide powers and duties for the Department of Banking and Finance; to provide an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 22:

Ashford
Byars
Chizek
Coordsen
Crosby
Dierks
Hall
Labedz
Landis
Lynch
McFarland
Moore
Morrissey
Robak
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 16:

Baack
Barrett
Beck
Bernard-Stevens
Beyer
Conway
Elmer
Goodrich

Haberman
Hefner
Kristensen
Langford
Peterson
Pirsch
Rogers
Weihing

Present and not voting, 10:

Abboud
Chambers
Hannibal
Hartnett
Johnson, L.
Johnson, R.
Korshoj
Lindsay
Nelson
Schellpeper

Excused and not voting, 1:

Lamb

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Ashford
Byars
Chambers
Chizek
Coordsen
Crosby
Dierks
Hall
Hannibal
Hartnett
Johnson, R.
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Robak
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 19:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Conway
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Kristensen
Langford
Peterson
Pirsch
Rogers
Schellpeper
Weihing

Excused and not voting, 1:

Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 187, 187A, 259, 259A, 260, and 260A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 313.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-121.01, 48-161, and 48-1,110, Reissue Revised Statutes of Nebraska, 1943: to increase the maximum weekly income benefit as prescribed; to provide for an optional insurance deductible for medical benefits as prescribed; to provide a penalty; to change a provision relating to the jurisdiction of the compensation court; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Elmer

Present and not voting, 1:

Peterson

Excused and not voting, 1:

Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 313A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 313, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Landis
Langford
Peterson
Rogers

Excused and not voting, 1:

Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 488.

A BILL FOR AN ACT relating to the Private Vocational Educational Authorization Act of 1977; to amend sections 79-2801 to 79-2808, 79-2810 to 79-2837, 79-2842 to 79-2846, 79-2848 to 79-2853, and 79-2855 to 79-2858, Reissue Revised Statutes of Nebraska, 1943; to rename the act; to define and redefine terms; to regulate operation of private postsecondary career schools; to provide and change exemptions; to change, provide, and transfer powers and duties; to change hearing provisions, fees, and a penalty; to harmonize provisions; to eliminate a bond provision and a penalty; and to repeal the original sections, and also sections 79-2809, 79-2847, and 79-2854, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Lindsay
Moore
Peterson

Excused and not voting, 2:

Lamb
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 488, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Langford
Peterson

Excused and not voting, 2:

Lamb
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 503.

A BILL FOR AN ACT relating to state constitutional officers; to amend sections 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska, 1943, and section 75-104, Revised Statutes Supplement, 1988; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General and of members of the Public Service Commission as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Rogers
Schimek
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 12:

Beyer
Byars
Haberman
Hannibal
Hefner
Nelson
Peterson
Pirsch
Robak
Schellpeper
Scofield
Smith

Present and not voting, 1:

Abboud

Excused and not voting, 2:

Lamb
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 503A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Hall
Hartnett
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Rogers
Schimek
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 10:

Abboud
Beyer
Byars
Haberman
Hannibal
Hefner
Peterson
Pirsch
Schellpeper
Scofield

Present and not voting, 4:

Crosby
Nelson
Robak
Smith

Excused and not voting, 2:

Lamb
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 520. With Emergency.

A BILL FOR AN ACT relating to nursing; to adopt the Nursing Incentive Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
McFarland
Moore
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 4:

Hall
Lindsay
Pirsch
Warner

Present and not voting, 2:

Hannibal
Lynch

Excused and not voting, 2:

Lamb
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 520A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
McFarland
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 4:

Hannibal	Lindsay	Lynch	Moore

Excused and not voting, 2:

Lamb	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 272A.

(Signed) John C. Lindsay, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 272A, 313, 313A, 488, 488A, 503, and 503A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 567.

A BILL FOR AN ACT relating to early childhood education; to state intent; to establish the Early Childhood Training Center and the Early Childhood Education Pilot Project Program.

Mr. Withem requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Ashford
Baack
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Goodrich
Hall
Hannibal
Hartnett
Johnson, L.
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Robak
Schellpeper
Schimek
Scofield
Wesely
Withem

Voting in the negative, 20:

Abboud
Barrett
Beck
Beyer
Coordsen
Elmer
Haberman
Hefner
Johnson, R.
Korshoj
Kristensen
Langford
Nelson
Peterson
Pirsch
Rogers
Smith
Warner
Wehrbein
Weihing

Excused and not voting, 2:

Lamb
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 567A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 567, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Ashford
Baack
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Hall
Hannibal
Hartnett
Johnson, L.
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Robak
Schellpeper
Schimek
Scofield
Wehrbein
Wesely
Withem

Voting in the negative, 20:

Abboud
Barrett
Beck
Beyer
Coordsen

Elmer
Goodrich
Haberman
Hefner
Johnson, R.
Korshoj
Kristensen
Langford
Nelson
Peterson
Pirsch
Rogers
Smith
Warner
Weihing

Excused and not voting, 2:

Lamb
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 520, 520A, 567, and 567A.

MOTION - Return LB 662 to Select File

Mrs. Nelson moved to return LB 662 to Select File for the following specific amendment:
FA436
Remove amendment AM2294 adopted March 1st on LB 662.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Ms. Scofield requested a roll call vote on the Nelson motion to return.

Voting in the affirmative, 14:

Ashford
Baack
Barrett
Bernard-Stevens
Chambers
Haberman
Hannibal
Landis
Morrissey
Nelson
Scofield
Warner
Weihing
Wesely

Voting in the negative, 33:

Abboud
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Langford
Lindsay
Lynch
McFarland
Moore
Peterson

Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Withem

Present and not voting, 1:

Schimek

Excused and not voting, 1:

Lamb

The Nelson motion to return lost with 14 ayes, 33 nays, 1 present and not voting, and 1 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 29, 1990, at 10:16 a.m., were the following bills: 1031, 1125, 1170, 536, 1220, 1126, 898, 899, 163, 163A, 164, and 164A.

(Signed) Jeffrey DeLine, Enrolling Clerk

Presented to the Governor on March 29, 1990, at 11:46 a.m., were the following bills: 187, 187A, 259, 259A, 260, 260A, 272A, 313, 313A, 488, 488A, 503, and 503A.

(Signed) Jeffrey DeLine, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

The Health and Human Services Committee asked unanimous consent to print the following amendment to LB 338 in the Journal. No objections. So ordered.

AM3206

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Health Insurance Access Act.

Sec. 2. The Legislature finds and declares that there is an increasing number of Nebraskans who lack health insurance and that these uninsured people include many individuals who cannot afford the rising cost of medical care but do not qualify for the various income-based welfare programs. The lack of financial means of uninsured people to pay for their medical care leaves health care providers with uncollectible debts which are transferred to other patients and to insurers. It is the purpose and intent of the Legislature to provide a mechanism to allow insurers to provide basic levels of health insurance to those people who are uninsured, are below certain income levels, and are not qualified for income-based welfare programs.

Sec. 3. For purposes of the Health Insurance Access Act:

(1) Insurer shall mean any insurance company as defined in section 44-103 authorized to transact health insurance business in the State of Nebraska or a health maintenance organization which has obtained a valid certificate of authority;

(2) Medicare shall mean Parts A and B of Title XVIII of the Social Security Act, 42 U.S.C. 1395 et seq., as amended;

(3) Provider shall mean any physician or hospital who is licensed or authorized in this state to furnish medical care or hospitalization to any individual;

(4) Spell of illness shall mean a continuous period as a hospital inpatient or successive periods as a hospital inpatient when the date of discharge and the following date of admission are less than sixty consecutive days apart; and

(5) Uninsured access coverage shall mean a policy of sickness and accident insurance or a contract for health care services covering individuals, with or without their dependents, issued by an insurer subject to the limitations and requirements in the act.

Sec. 4. (1) An uninsured access coverage policy or contract shall limit eligibility to individuals or families:

(a) Whose gross income does not exceed one hundred eighty-five percent of income standards prescribed by the Federal Office of Management and Budget income poverty guidelines in effect on April 17, 1989, or as may be later amended; and

(b) Who are not eligible for medicare or any other medical assistance program, including, but not limited to, the program established pursuant to sections 68-1018 to 68-1025.

(2) Every uninsured access coverage policy or contract shall specify the time period, not exceeding six months, for which any applicant shall demonstrate eligibility based upon the income standards of such policy or contract, and every such policy or contract shall specify what constitutes sufficient verification of income at the time of application and annual renewals.

(3) If an individual's or a family's income exceeds the income eligibility standards of the uninsured access coverage policy or contract and such individual or family is thereby no longer eligible for continued coverage, the uninsured access coverage policy or contract shall allow a transfer to a designated type of individual policy or contract without evidence of insurability and without interruption in coverage subject to payment of premiums. Each uninsured access coverage policy or contract shall specify the type of individual policy or contract to which an insured person may transfer.

Sec. 5. (1) An individual or a family member shall not be eligible for initial or continued coverage if he or she:

(a) Is eligible as an employee or dependent for employer-sponsored or maintained group insurance coverage;

(b) Is covered by any other type of hospital, surgical, or medical expense-incurred policy or health maintenance organization contract; or

(c) Exceeds the income eligibility standards of the uninsured access coverage policy or contract at any time or at any annual renewal.

(2) An uninsured access coverage policy or contract may require evidence of insurability but shall not use underwriting guidelines that are more strict than those normally used by the insurer for its regular individual health insurance contracts.

Sec. 6. (1) Every uninsured access coverage policy or contract shall include hospital-only and surgical-only benefits which shall mean:

(a) Inhospital benefits for not less than thirty continuous days nor more than ninety continuous days for each spell of illness; and

(b) Surgical benefits for both inpatient and outpatient surgery.

(2) An uninsured access coverage policy or contract may not:

(a) Use a definition of spell of illness more restrictive than the definition found in section 3 of this act; or

(b) Use a definition of preexisting condition more restrictive than the definition normally used by the insurer for its regular individual health insurance contracts.

(3) Every uninsured access coverage policy or contract shall provide that the benefit payment shall be accepted as payment in full by the provider and there shall be no deductible or coinsurance charged to the insured.

Sec. 7. (1) Each uninsured access coverage policy or contract shall include:

(a) A reasonable description of the geographic area or areas to be served; and

(b) A listing of the providers who have a contract with the insurers to furnish health care services.

Sec. 8. Notwithstanding any other provision of law, every uninsured access coverage policy or contract shall be exempt from any and all mandated benefits which require coverage of any type of services or conditions.

Sec. 9. An insurer issuing an uninsured access policy or contract may enter into contracts to arrange for health services by certain providers, may limit the number and types of providers with which it contracts, and shall not be required to provide benefits for services furnished by providers who do not contract with the insurer.".

2. On page 1, strike beginning "public" in line 1 through "Services" in line 2 and insert "insurance; to adopt the Health Insurance Access".

VISITORS

Visitors to the Chamber were 55 fourth grade students and teacher from Engleman Elementary, Grand Island; 12 ninth grade students and teacher from Odell Public School; and 63 third through sixth grade students and teacher from Hampton.

RECESS

At 12:04 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Lamb who was excused; and Messrs. Abboud, Ashford, Dierks, Elmer, Haberman, Hannibal, Hartnett, R. Johnson, Landis, McFarland, Moore, Morrissey, Schellpeper, Schmit, Warner, Wehrbein, Withem, Mmes. Labedz, Nelson, Smith, and Ms. Scofield who were excused until they arrive.

REPORT OF THE EXECUTIVE BOARD

1990 Resolutions Calling For a Study

250	To study the salaries of teachers in Nebraska's public school system. Education
260	To monitor the development of plans for education centers and coordinate such community initiatives with phase II of the LB247 Study. Education
280	To study matters concerning veterans, veterans' affairs, needs, and proper levels of involvement and participation by state government in meeting the needs of veterans. Government, Military and Veterans Affairs
282	To study the definition of infectious medical waste in Nebraska. Health and Human Services

286 To study the programs of the Department of Social Services and the delivery of such programs in the Southwestern District. Health and Human Services

287 To study the various retirement systems administered by the state as well as retirement systems authorized or required by subdivisions of government. Nebraska Retirement Systems

290 To study the office of State Treasurer regarding past, present and future management functions and responsibilities. Government, Military and Veterans Affairs

291 To examine the problem of bad checks and the states relating thereto. Judiciary

292 To study alternative methods of funding legislatively-mandated programs within the Department of Agriculture. Agriculture

294 To study statutes relating to the regulation of auctioneers in Nebraska. Government, Military and Veterans Affairs

295 To examine the Nebraska Workers' Compensation Act, specifically relating to corporate officer ownership. Business and Labor

296 To study the certification requirement of sheriffs to the Nebraska Commission on Law Enforcement and Criminal Justice. Government, Military and Veterans Affairs

298 To examine the confirmation process used by the Legislature in reviewing gubernatorial appointments. Select Committee by Executive Board

299 To study information regarding group health care costs as they compare to other states. Health and Human Services

300 A study to identify those students within Nebraska who are at risk of chronic truancy and dropping out of school; methods to reduce; and recommendations for appropriate measures. Education

301 To systematically study legalized gambling and all gaming activity and its regulation in Nebraska. General Affairs

302 To study the economic and environmental effects of the synchronization of traffic lights in communities with a population of 7,500 or more persons. Urban Affairs

303 To study the role and mission of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped. Education

305 To study the requirement of all homes and/or other buildings to be equipped with smoke detectors. Health and Human Services

306 To study the Department of Personnel's policy limiting the ability of employees of the State insured under certain group health insurance plans to reduce the premiums paid for insurance coverage in the event of family status change. Banking, Commerce and Insurance

307 To study the mammography programs and alternatives of Nebraska. Health and Human Services

309 To examine the Nebraska Regulation of Health Professions Act known as the 407 review process. Health and Human Services

310 Regarding LB942, a study to insure statutory framework for the Court of Appeals. Judiciary

311 To study problems of herbicide drift in the agriculture industry. Agriculture

312 To examine options available for the conduct of a keno lottery and determine what revisions or restrictions should be placed. General Affairs

313 To study the feasibility of creating a State Crime Stoppers Commission. Government, Military and Veterans Affairs

314 To examine the allocation formula used by the Department of Social Services to distribute grant funds to

agencies from the Community Services Block Grant Program. Health and Human Services

315 A study of the federal and non-federal drug testing procedures being used in Nebraska. Judiciary

316 To review the existing statutory language on current problems facing Nebraska's housing for its low-income citizens. Urban Affairs

317 To review current statutes regarding the Metropolitan Utilities District (MUD). Urban Affairs

318 To study the need for lower-cost housing and the impact of housing upon Nebraska communities. Urban Affairs

319 To draft a uniform zoning notice statute which will balance the public's right to notice of proposed zoning changes. Urban Affairs

320 To review the operations of the Municipal Natural Gas Regulation Act. Urban Affairs

321 A study to determine whether preliminary review of issues heard by the Urban Affairs Committee could streamline the hearing process and permit and expedited review of urban-oriented legislation. Urban Affairs

322 To study the requirements established by the United States Congress through the Truth in Mileage Act of 1986. Transportation

323 To determine whether the Legislature should authorize the officers of the carrier enforcement division of the Nebraska State Patrol to bear firearms in the performance of their official duties. Transportation

324 A study on the feasibility of enacting a lid on property taxes levied by local governments, limiting total levies to two percent of valuation. Revenue

325 To evaluate the programs currently offered by private institutions for health care provider education. Education

326 A study on the establishment of a collegiate license plate program. Transportation

327 To examine the effectiveness of implementing value engineering in Nebraska. Government, Military and Veterans Affairs

328 A study on current and potential rail passenger service. Transportation

329 A study on the collection of tax on leased vehicles and the reporting of the collection of such tax. Revenue

330 To examine the issues relating to child support and visitation. Judiciary

331 A study of private and public training, and identify opportunities between private and public training sectors in securing training and retraining. Business and Labor

332 To study potential benefits and costs for Nebraska to enter into a Midwest Higher Education Compact. Education

333 A study of the criminal and juvenile justice systems in Nebraska. Select Interim Investigating Committee by Executive Board

334 A study to examine the feasibility of a public State Arts High School. Education

335 To study the effect of state taxation on federal pensions and capital gains benefits. Revenue

336 A study to determine the appropriate definition of real property; how much expansion in the tax base is necessary to replace lost revenue; and how additional funds shall be distributed. Revenue

337 To examine the inheritance tax and the state estate tax. Revenue

338 To examine the need for a regional center in Omaha. Health and Human Services

339 To evaluate and develop economic development policies and programs to assist business and communities. Banking, Commerce and Insurance

340 To study the effects of implementing a limitation on budgets. Revenue

341 To study current methods of campaign financing and spending in Nebraska. Government, Military and Veterans Affairs

342 To study state trapping laws and the use of steel jaw and snare traps. Natural Resources

343 To study the rules of the Legislature for any inadequacies and omissions. Rules

344 A study on landfills in Nebraska. Natural Resources

345 To examine state-supported residential services for children. Select Committee on Children and Families by Executive Board

346 A study to review a program developed for an early intervention services for handicapped infants and toddlers, and how the program will affect children and families. Select Committee on Children and Families Board

347 A study to identify and analyze existing and potential funding resources available for the implementation of an early intervention services program for handicapped infants and toddlers. Committee Chosen for LRs 345, 346, and 347 - Plus Education Committee

348 A study for recommendations on the improvement of Nebraska history instruction. Education

349 A study of the cost and effectiveness of the Reimbursable Motorcycle Safety Education Program. Transportation

350 A study of the cost-savings impact of twenty-three offices of the Department of Social Services. Health and Human Services

351 A study to consider updating and rewriting Nebraska's insurance statutes. Banking, Commerce and Insurance

352 To consider the enactment of the National Association of Insurance Commissioners Model Consolidated Casualty, Surety, and Fire and Inland Marine Insurance Rate Regulatory Act in place of rates and rating organizations provisions. Banking, Commerce and Insurance

353 To consider enactment of the latest version of the National Association of Insurance Commissioners Model Unfair Trade Practices Act. Banking, Commerce and Insurance

354 To examine improvements to the Nebraska Title Insurance Act. Banking, Commerce and Insurance

355 To examine provisions of the Securities Act of Nebraska. Banking, Commerce and Insurance

356 A study of policies and procedures utilized by the Department of Social Services to establish unit-of-service contracts and contract rates with area agencies on aging service programs. Select Committee Appointed by Executive Board

357 An examination of appointment and confirmation process by the Governor and Legislature in appointing members to state agencies, boards, commissions and committees. Select Committee appointed by Executive Board; same as LR 298

358 A study of the size, makeup and function of the Environmental Control Council. Natural Resources

359 To study the regulation of pooled labor markets in Nebraska. Health and Human Services

360 To study the feasibility of establishing a liaison to represent Nebraska on federal issues and policies. Intergovernment Cooperation

361 A study on the development of economic, cultural and educational ties with Eastern Europe. Intergovernment Cooperation

362 A study of degradability, source reduction, recycling and reuse, waste-to-energy through safe incineration, the impact on the solid waste stream and the environment. Natural Resources

363 To hold hearings and review reports relating to rural economic development and job creation. Business and Labor

364 To study the impact of LB 48, prohibiting the promotional distribution of smokeless tobacco products. Health and Human Services

365 A study of the programs for drug and alcohol abuse treatment programs in Nebraska. Health and Human Services

366 To study hate groups and violence related to hate groups in Nebraska. Judiciary

367 To examine the investigation, prosecution and management of child abuse cases. Select Committee chosen by Executive Board

368 To study the funding, organization and quality of services of the mental retardation service system in Nebraska. Health and Human Services

369 A study of human service and health issues in Nebraska. Health and Human Services

370 To study the process for discipline of licensed health professionals. Health and Human Services

371 To study the programs in Nebraska which help victims of domestic violence. Health and Human Services

372 A study to identify concerns of biological parents who have children in the foster care system in Nebraska. Health and Human Services

373	To review the status of foster care in Nebraska as it relates to children under the age of three years. Health and Human Services
374	A study of the availability and accessibility of respite care in Nebraska. Health and Human Services
375	To examine and possibly develop a Taxpayers Bill of Rights for Nebraska. Revenue
376	To conduct a review of long-term care services in Nebraska. Health and Human Services
377	To study improvements necessary in the delivery of public health services in Nebraska. Health and Human Services
378	A study of current advertising practices of power districts and price differentials. Natural Resources
380	To examine the potential need for a protection plan or other state action which would govern the control and use of the Niobrara River. Natural Resources
381	To study the rate-setting and business practices of public power districts. Natural Resources
382	To study the agricultural commodity checkoff boards. Agriculture
383	To examine the various transportation services and benefits offered to persons with mental handicaps, physical handicaps, and senior citizens. Transportation
384	To review the existing form of LB 788, which is to provide cooperation between municipality and public power districts to create an efficient and cost-effective waste-to-energy facility. Natural Resources
385	To review present legislation and statutes regarding underground storage tanks, and to suggest possible improvements. Natural Resources
386	To study degradable products. Natural Resources

387	To study what conditions Nebraska should assume administration of the Federal Insecticide, Fungicide, and Rodenticide Act. Agriculture
388	To study a request by the Nebraska Indian Community College for funding assistance from Nebraska for providing educational services to non-Indian students attending the college. Education
389	To develop a comprehensive plan for solid waste management in Nebraska with emphasis on solid waste management confronting rural communities. Natural Resources
390	To assess the ability of the Department of Environmental Control to better respond to environmental protection needs. Natural Resources/Appropriations/Government, Military and Veterans Affairs/Judiciary
391	An examination of state laws regarding interstate and intrastate transfers of Nebraska ground and surface water. Natural Resources
392	To study the practice of discounting for the percentage of dockage by Nebraska grain and wheat producers. Agriculture
393	An examination of issues affecting water quality in Nebraska. Natural Resources
394	To review statutes regarding hazardous and toxic wastes. Natural Resources

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 29, 1990, at 12:15 p.m., were the following bills: 520, 520A, 567, and 567A.

(Signed) Randy Tippin, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 1246A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 976. Mr. Bernard-Stevens moved to reconsider the Landis amendment, AM3205, found in the Journal on page 1667, to the L. Johnson et al. amendment.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Messrs. Landis and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

The Bernard-Stevens motion to reconsider prevailed with 26 ayes, 5 nays, 10 present and not voting, and 8 excused and not voting.

Messrs. Chizek and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the L. Johnson et al. pending amendment, AM2799:
FA437
On Pg 2 line 2, and P. 3, line 8: strike "IB" and insert "IC".

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment to the L. Johnson et al. pending amendment:
FA438
Strike the final four (4) lines of the Johnson amendment.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Chambers withdrew his pending amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 407. Introduced by Hefner, 19th District.

WHEREAS, the village of Belden, Nebraska, will celebrate its centennial August 3-5, 1990; and

WHEREAS, Belden is located in Cedar County; and

WHEREAS, Belden was named in honor of Scott Belden, a paymaster on the short line railroad built from Sioux City to O'Neill; and

WHEREAS, the citizens of Belden have a rich, rural heritage; and

WHEREAS, Belden is a small town where families celebrate the good life of rural Nebraska; and

WHEREAS, a centennial is an appropriate opportunity for a community to reflect on its past and look forward to the future with confidence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature offers its congratulations to the citizens of Belden on the occasion of its centennial.
2. That a copy of this resolution be sent to the village of Belden.

Laid over.

LEGISLATIVE RESOLUTION 408. Introduced by Hefner, 19th District.

WHEREAS, the city of Bloomfield, Nebraska, will celebrate its centennial June 28 through July 1, 1990; and

WHEREAS, Bloomfield is located in Knox County; and

WHEREAS, Bloomfield was named in honor of Bloomfield Dyer who once owned the land on which the town is now located; and

WHEREAS, the citizens of Bloomfield have a rich, rural heritage; and

WHEREAS, Bloomfield is a town where families celebrate the good life of rural Nebraska; and

WHEREAS, a centennial is an appropriate opportunity for a community to reflect on its past and look forward to the future with confidence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature offers its congratulations to the citizens of Bloomfield on the occasion of its centennial.
2. That a copy of this resolution be sent to the city of Bloomfield.

Laid over.

LEGISLATIVE RESOLUTION 409. Introduced by Hefner, 19th District.

WHEREAS, the city of Osmond, Nebraska, will celebrate its centennial July 4-8, 1990; and

WHEREAS, Osmond was named in honor of Mr. Osmond, an official of the Chicago, Burlington and Quincy Railroad; and

WHEREAS, Osmond was platted by James Brisfield, a civil engineer for the Pacific Short Line Town-Site Company; and

WHEREAS, the citizens of Osmond have a rich, rural heritage; and

WHEREAS, Osmond is a town where families celebrate the good life of rural Nebraska; and

WHEREAS, Osmond is located in Pierce County; and

WHEREAS, a centennial is an appropriate opportunity for a community to reflect on its past and look forward to the future with confidence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature offers its congratulations to the citizens of Osmond on the occasion of its centennial.
2. That a copy of this resolution be sent to the city of Osmond.

Laid over.

LEGISLATIVE RESOLUTION 410. Introduced by Hefner, 19th District.

WHEREAS, the village of Wausa, Nebraska, will celebrate its centennial June 17-24, 1990; and

WHEREAS, Wausa is located in Knox County; and

WHEREAS, Wausa's name was changed from Thorson in 1890; and

WHEREAS, Wausa was named by two Lutheran ministers, Fogelstrom and Torell, for the first Protestant King of Sweden, Gustavus Vasa; and

WHEREAS, the citizens of Wausa have a rich, rural Swedish heritage; and

WHEREAS, Wausa is a small town where families celebrate the good life of rural Nebraska; and

WHEREAS, a centennial is an appropriate opportunity for a community to reflect on its past and look forward to the future with confidence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature offers its congratulations to the citizens of Wausa on the occasion of its centennial.
2. That a copy of this resolution be sent to the village of Wausa.

Laid over.

LEGISLATIVE RESOLUTION 411. Introduced by Wehrbein, 2nd District.

WHEREAS, the village of Alvo will celebrate its centennial birthday on July 14, 1990; and

WHEREAS, the village of Alvo was established as a stopping point on the Chicago, Rock Island and Pacific Railway; and

WHEREAS, the village of Alvo was named after the first child born in the community; and

WHEREAS, Alvo is the only community in the United States to be recognized by the name "Alvo"; and

WHEREAS, the citizens of Alvo deserve special recognition during their celebration and should utilize this opportunity to reflect upon those citizens whose efforts contributed to the establishment of Alvo.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the village of Alvo and its citizens for their centennial celebration.
2. That the Legislature commend the "People Involved in Alvo" for their work planning the Alvo Centennial.
3. That a copy of this resolution be sent to the citizens of Alvo in care of Mr. Paul Cain, Chairman of the Village Board.

Laid over.

LEGISLATIVE RESOLUTION 412. Introduced by Wehrbein, 2nd District.

WHEREAS, 1990 marks the one hundredth anniversary of the Village of Murdock, Nebraska, located in Cass County; and

WHEREAS, the Village of Murdock was established as a stopping point on the Rock Island Railroad's Omaha to Denver rail; and

WHEREAS, the centennial celebration to be held July 7th and 8th will provide the community a unique opportunity to reflect upon those citizens whose efforts contributed to the establishment of Murdock; and

WHEREAS, ninety-two percent of the land in the forty-three sections that surround Murdock is owned by people whose families have been in the area over one hundred years; and

WHEREAS, the citizens of Murdock deserve special recognition during their celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the Village of Murdock and its citizens for their centennial celebration.
2. That the Legislature congratulate the citizens of Murdock for past and present achievements.
3. That a copy of this resolution be sent to the citizens of Murdock in the care of Mr. Bob Chapman, Chairman of the Village Board.

Laid over.

LEGISLATIVE RESOLUTION 413. Introduced by Schellpeper, 18th District.

WHEREAS, 1990 marks the one hundredth anniversary of the town of Snyder, Nebraska; and

WHEREAS, Snyder is a thriving community of three hundred eighty people located in Dodge County; and

WHEREAS, Snyder is a rural town which serves the needs of the surrounding agricultural community; and

WHEREAS, Snyder has unique manufacturing and food processing interests for a community of its size. Pump hoist rigs and truck bodies manufactured in Snyder have been sent throughout the United States and several foreign countries. More than one thousand fire trucks have been manufactured in Snyder in the last twenty-five years. The number one manufacturer of aerial ladders in the United States is located in Snyder. The pump hoist, truck body, fire truck, and aerial ladder manufacturing interests employ nearly two hundred people. Meat packing employs fifty-five workers from around the area and sends processed beef and poultry throughout the United States; and

WHEREAS, Snyder's centennial celebration is planned for June 8th, 9th, and 10th, 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the residents of Snyder, Nebraska, on the town's centennial.
2. That a copy of this resolution be sent to David Prenzlow, chairperson of the Snyder Village Board, Snyder, Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 976. Mr. Chambers offered the following amendment to the L. Johnson et al. pending amendment:
FA439

Pg 2 line. 11 and Page 2 line 21 Page 1, line 13, strike: "or a counterfeit controlled substance"

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Chambers amendment lost with 9 ayes, 18 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the L. Johnson et al. pending amendment:
FA440
Pg 1 line 12, after "dispense" insert "any alcoholic beverage not provided and consumed in the residence of the parent or legal guardian of any minor"
Pg 2 line 10 after "some" insert "any alcoholic beverage not provided and consumed in the residence of the parent or legal guardian of any minor"
Pg 2 line 20, after "some" insert "any alcoholic beverage not provided and consumed in the residence of the parent or legal guardian of any minor"

Messrs. McFarland, Lindsay, Lynch, Peterson, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Withem and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?"

Mrs. Langford moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Abboud
Baack
Bernard-Stevens
Beyer
Chambers
Conway
Crosby
Korshoj
Morrissey

Schimek Wehrbein

Voting in the negative, 18:

Barrett
Beck
Byars
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Landis
Langford
Moore
Nelson
Rogers
Schellpeper
Smith
Warner

Present and not voting, 5:

Pirsch Robak Scofield Weihing Wesely

Absent and not voting, 1:

Goodrich

Excused and not voting, 14:

Ashford
Chizek
Coordsen
Haberman
Hannibal
Johnson, R.
Labedz
Lamb
Lindsay
Lynch
McFarland
Peterson
Schmit
Withem

The Chambers amendment lost with 11 ayes, 18 nays, 5 present and not voting, 1 absent and not voting, and 14 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1247. Introduced by LR 232 Special Investigative Committee: Schmit, 23rd District, Chairperson; Baack, 47th District; Lynch, 13th District; Labedz, 5th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-907, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for providing false information to a special committee of the Legislature; to repeal the original section; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1153. Placed on Select File as amended.
E & R amendment to LB 1153:
AM7201

1. In the Hartnett amendment, AM2483:

a. Renumber section 55 as section 54; and

b. Strike amendment 2.

2. In the Crosby amendment, AM2591, renumber section 57 as section 56.

3. In the Barrett amendment, AM2999:

a. On page 1, line 11, strike "as";

b. On page 2, line 1, after "or" insert "a"; and in line 16 after "licensed" insert "real estate"; and

c. Strike amendment 23.

4. In the Standing Committee amendment, AM2572:

a. On page 4, line 14, after "improving" insert an underscored comma;

b. On page 9, line 10, after the period insert "Any vacancy shall be filled in the same manner as the original appointment."; in line 19 strike "their"; and in line 23 after "Estate" insert "Appraiser";

c. On page 12, line 13; page 14, line 24; page 38, line 11; page 43, line 14; and page 58, line 10, strike "Board";

d. On page 14, line 20, strike "the action taken" and insert "it";

e. On page 15, line 7, strike "office" and insert "officer"; in line 20 strike "they" and insert "he or she"; and in line 23 strike "they are" and insert "he or she is";

f. On page 17, line 8, strike "Certified" and insert "The term certified"; and in line 24 after "appraiser" insert an underscored comma;

g. On page 19, line 19, after "who" insert "on January 1, 1991," and strike "appraisers" and insert "appraiser"; and in line 20 strike "on January 1, 1991";

h. On page 22, line 21, after "appraiser" insert an underscored comma;

i. On page 26, line 11, after "requirements" insert "to the requirements of this state"; in line 20 after “certificate” insert an underscored comma; in line 21 after “the” insert “requirement for”; and in line 22 strike “requirement”;

j. On page 28, line 12, after the period insert paragraphing; and in line 14 strike “his or her” and insert “a;

k. On page 34, line 3, after “upon” insert “(a)”; in lines 5 and 6 strike “or is or was contingent upon” and insert “, (b)”; and in line 7 strike “or upon” and insert “, or (c)”;

l. On page 35, line 11, after the period insert paragraphing;

m. On page 36, lines 3 and 4, strike “file is received” and insert “answer is filed”; and in line 6 after “complaint” insert “filed pursuant to section 39 of this act”;

n. On page 38, line 13, strike the second “licensee” and insert “person”; and in line 18 strike “evidencing certification” and insert “stating that such person has been certified”;

o. On page 39, line 10, strike “certification” and insert “certificate”;

p. On page 43, line 23, after “its” insert “rules and”;

q. On page 52, line 13, after “for” insert “actual and necessary”;

r. On page 58, line 16, strike “59 and 63” and all amendments thereto and insert “55, 57 to 59, and 63”; and

s. On page 59, line 1, strike “and” and insert a comma; in line 2 after the second comma insert “and 76-544,”; and in line 9 strike “of this legislative bill” and insert “, Legislative Bill 1153, Ninety-first Legislature, Second Session, 1990”.

5. Strike beginning with “appraisers” on page 1, line 1, through page 2, line 2, and insert “; to amend sections 2-1502, 49-14,103.01, 76-544, and 81-8,282, Reissue Revised Statutes of Nebraska, 1943, sections 72-224.03, 76-706, 76-711, 76-1907, and 77-2019, Revised Statutes Supplement, 1988, and section 77-1372, Revised Statutes Supplement, 1989; to adopt the Real Estate Appraiser Licensing and Certification Act; to decrease the hours of continuing education required of registered abstracters; to make a condemnee liable

for certain diminution in the value of condemned property; to increase real estate appraiser licensing fees; to eliminate provisions providing for licensure of appraisers and provisions establishing continuing education requirements; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 81-8,276 to 81-8,280 and 81-8,283 to 81-8,293, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,282, Reissue Revised Statutes of Nebraska, 1943, as amended by section 60, Legislative Bill 1153, Ninety-first Legislature, Second Session, 1990.".

LEGISLATIVE BILL 1153A. Placed on Select File as amended.
E & R amendment to LB 1153A:
AM7202

1. On page 2, lines 3 and 5, strike "Board".

LEGISLATIVE BILL 1055. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM7199.)

LEGISLATIVE BILL 1221. Placed on Select File as amended.
E & R amendment to LB 1221:
AM7200

1. In the Withem amendment, FA426:

a. On page 2, line 7, after "mayor" insert "by and"; and

b. On page 3. line 3, strike "22,"; in line 5 after "matter" insert "; and in line 22 strike 'or' and reinstate the stricken 'and' "; and in line 12 strike "Such board" and insert "The Building Board of Review".

2. Strike the Hannibal amendment, AM2397.

3. On page 1, line 1, strike "section" and insert "sections"; in line 2 after "18-1906" insert "and 18-1909"; and in line 7 after the semicolon insert "to provide for the suspension of plumbing licenses;".

LEGISLATIVE BILL 1246A. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 220.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 220
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER6291

1. On page 1, line 5, "certain" has been struck; and in line 6 "as prescribed" has been inserted after "state".
2. On page 2, line 14, "The" has been struck and "Except as provided in section 29-2262 and section 2 of this act, the" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 902 and LB 1019. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Byars asked unanimous consent to print the following amendment to LB 1153 in the Journal. No objections. So ordered.

AM3212

1. Insert the following new sections:

"Sec. 52. Any instrument submitted for recording in the office of the register of deeds shall contain a blank space at least two and one-half inches by six and one-half inches in size for recording information required by section 23-1510 by the register of deeds. If this space or the information required by such section is not provided, the register of deeds may add a page or use the back side of an existing page and charge for the page a fee established by section 33-109 for the recording of an instrument.

Printed forms primarily intended to be used for recordation purposes shall have a one-half inch margin on the two vertical sides except in the space reserved for recording information. Any printed form accepted for recordation that does not comply with this section shall not affect the validity of or the notice otherwise given by the recording.

Sec. 53. That section 23-1514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1514. It shall be the duty of the register of deeds on receiving any conveyance or instrument affecting realty, including construction liens, to cause such conveyance~~,~~ or instrument~~, or construction lien~~ to be entered upon the numerical index immediately after filing ~~the same~~ if such conveyance or instrument contains or has an exhibit attached containing the full legal description of the realty affected. Instruments purporting to release, assign, or amend a conveyance or instrument previously recorded shall contain the book and page number or microfilm or computer reference of the previously recorded instrument and a full legal description of the realty affected.

Sec. 54. That section 33-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-112. For entering each instrument presented for record in the numerical index, ~~after the completion thereof,~~ the clerk or register of deeds shall receive the sum of fifty cents for each ~~entry,~~ lot and each single block without lots in platted areas and fifty cents for each section in unplatted areas to be paid in advance by the person offering the instrument for record.".

2. Renumber the remaining sections accordingly.

3. In the Standing Committee amendment, AM2572:

a. On page 58, line 16, strike "59 and 63" and all amendments thereto and insert "58, 60 to 62, and 66"; and

b. On page 59, line 2, before "49-14,103.01" insert "23-1514, 33-112,".

• MOTION - Adjournment

Mr. Landis moved to adjourn until 8:00 a.m., Friday, March 30, 1990.

Mr. Warner requested a machine vote on the motion to adjourn.

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 17:

Baack
Beyer
Byars
Chambers
Crosby
Dierks
Elmer
Hefner
Johnson, R.
Korshoj
Landis
Moore
Morrissey
Nelson
Smith
Wehrbein
Weihing

Voting in the negative, 18:

Abboud
Beck
Bernard-Stevens
Conway
Coordsen
Hartnett
Johnson, L.
Kristensen
Langford
Lindsay
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Warner
Wesely

Present and not voting, 2:

Barrett
Hall

Absent and not voting, 1:

Goodrich

Excused and not voting, 11:

Ashford
Chizek
Haberman
Hannibal
Labedz
Lamb
Lynch
McFarland
Peterson
Schmit
Withem

The motion to adjourn lost with 17 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mrs. Robak, Messrs. Rogers, and Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 976. Mr. Chambers moved to bracket until April 10, 1990.

Mr. R. Johnson and Mrs. Langford asked unanimous consent to be excused. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers withdrew his pending motion to bracket.

VISITORS

Visitors to the Chamber were Clyde Webb; 11 seniors and teacher from Lourdes; 16 seniors and teachers from Greeley; Tom Smiley, Mark Kubik, Theresa Hamilton, Gary Volkmer, Darrell Wellman, and Bill Nelson from Auburn; 60 members of the FirsTier Bank 55 and Better Club from Fremont, Blair, and Kearney; Harold J. Harris from Omaha; and Jennifer Martin, Michelle Shandera, Heidi Schaef, and Candace Books from North Platte.

MOTION - Adjournment

Mr. Elmer moved to adjourn until 8:00 a.m. The motion prevailed with 17 ayes, 4 nays, 16 present and not voting, and 12 excused and not voting, and at 5:31 p.m., the Legislature adjourned until 8:00 a.m., Friday, March 30, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - MARCH 30, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 30, 1990

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Arvin Graff, Retired Presbyterian, Davey, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud. Beyer, Chambers, Hall, R. Johnson, Moore, Rogers, Schmit. Warner. and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fourth Day was approved.

MOTION - Return LB 662 to Select File

Mrs. Smith moved to return LB 662 to Select File for the following specific amendment:
AM3220

(Amendments to Final Reading copy)

1. Insert the following new section:

“Sec. 31. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 1, line 3, after "Communities" insert "; and to provide severability".

Messrs. Moore and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mrs. Smith withdrew her motion to return.

Mr. Landis moved to return LB 662 to Select File for the following specific amendment:
FA441

on page 7, line 22.

Service providers may not use grant money to pay for abortion or contraception counseling or referral service costs. Service providers who provide such services are eligible for grants for costs for prevention, early identification and intervention services only as defined in this section.

Mr. Landis withdrew his motion to return.

Mr. Lindsay moved to return LB 662 to Select File for the following specific amendment:
FA442

On page 6, line 7, after "tribe.", insert the following:

"Any applicant which engages in the performance of or counseling or referral for abortion or distribution of or counseling or referral for contraceptives, using other funds, shall not be thereby excluded from this definition."

Mr. Lindsay withdrew his motion to return.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Rogers and Hannibal asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENT

The Chair announced today is Senator Wesely's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 662.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Family Services Incentive Act for Communities.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Goodrich

Excused and not voting, 7:

Chambers
Coordsen
Hannibal
Johnson, R.
Moore
Rogers
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Smith asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 662A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 662, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chizek
Conway
Crosby
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Goodrich

Present and not voting, 1:

Byars

Excused and not voting, 8:

Chambers
Coordsen
Hannibal
Johnson, R.
Moore
Rogers
Schmit
Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. HANNIBAL PRESIDING

LEGISLATIVE BILL 663.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2252 and 83-4,126, Reissue Revised Statutes of Nebraska, 1943; to adopt the Juvenile Services Act; to provide duties for the Department of Correctional Services, probation administrator, and

Jail Standards Board as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Byars
Langford
Lindsay
Peterson

Excused and not voting, 5:

Coordsen
Johnson, R.
Rogers
Schmit
Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 663A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Byars
Langford
Lindsay
Peterson

Excused and not voting, 4:

Johnson, R.
Rogers
Schmit
Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BARRETT PRESIDING

LEGISLATIVE BILL 678.

A BILL FOR AN ACT relating to children; to amend section 68-1206, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1910, 71-1911, and 79-444, Revised Statutes Supplement, 1988; to state intent and findings; to define and redefine terms; to require a schedule for rates charged for certain child care services; to require training for providers of early childhood programs; to create a fund; to appropriate funds; to require an information hotline for providers of early childhood programs; to provide for voluntary registration of unlicensed day care home providers; to create committees; to provide powers and duties; to authorize family day care homes in residential zones; to require notice of communicable diseases; to provide for inspection of certain day care homes; to create a division in the State Department of Education; to provide caregiver-to-child ratios for licensed family day care homes; to change provisions relating to licensure of early childhood programs; to exempt certain small family day care homes from licensure as prescribed; to authorize transportation to and from certain programs; to eliminate a requirement for certain statewide child care services; to provide severability; and to repeal the original sections, and also section 43-531, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Abboud
Ashford
Baack
Bernard-Stevens
Chambers
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Johnson, L.
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Schellpeper
Schimek
Scofield
Weihing
Wesely
Withem

Voting in the negative, 17:

Barrett
Beck
Beyer
Coordsen
Elmer
Goodrich
Haberman
Hannibal
Hefner
Korshoj
Lamb
Langford
Moore
Peterson
Pirsch
Warner
Wehrbein

Present and not voting, 1:

Byars

Excused and not voting, 4:

Johnson, R.
Rogers
Schmit
Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 678A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 678, Ninety-first Legislature, Second Session, 1990; and to provide for a transfer of funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Abboud
Ashford
Baack
Bernard-Stevens
Chambers
Chizek
Conway
Dierks
Hall
Hartnett
Johnson, L.
Kristensen
Labedz
Landis
Lindsay
McFarland
Morrissey
Nelson
Robak
Schellpeper
Schimek
Warner
Weihing
Wesely
Withem

Voting in the negative, 12:

Barrett
Beck
Elmer
Goodrich
Haberman
Hefner
Korshoj
Lamb
Langford
Moore
Peterson
Pirsch

Present and not voting, 8:

Beyer
Byars
Coordsen
Crosby
Hannibal
Lynch
Scofield
Wehrbein

Excused and not voting, 4:

Johnson, R.
Rogers
Schmit
Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 29, 1990. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Leising, Don L. - Lincoln	Nebraska State Association of Life Underwriters (Withdrawn 05/25/89)

Lombardi, Richard A. Lincoln	Nebraska Association of Substance Abuse Directors (Withdrawn 06/01/89)
Moors, H. Jack - Lincoln	Nebraska Potato Council

EXPLANATION OF VOTE

Had I been present on March 29, 1990, I would have voted no on LB 259.

(Signed) Howard Lamb

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 662, 662A, 663, 663A, 678, and 678A.

MOTION - Return LB 688 to Select File

Mr. Landis moved to return LB 688 to Select File for the following specific amendment:
FA443
add to §1
In order for a staff person to utilize the authority in this section, the child care provider for whom they work must have on file with the Department of Health a statement declaring that the provider does not engage in abortion referral or counseling.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Chambers requested a record vote on the Landis motion to return.

Voting in the affirmative, 3:

Landis Schimek Weihing

Voting in the negative, 24:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Wehrbein

Present and not voting, 21:

Ashford
Baack
Bernard-Stevens
Chambers
Coordsen
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Lynch
Moore
Morrissey
Nelson
Scofield
Warner
Wesely
Withem

Excused and not voting, 1:

Smith

The Landis motion to return lost with 3 ayes, 24 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 688

Mr. Chambers moved to reconsider the Landis motion to return LB 688 to Select File for his specific amendment, FA443.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers requested a ruling of the Chair on whether there had been a full and fair debate on his motion to reconsider.

The Chair ruled there had been a full and fair debate on the Chambers motion.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. Wesely and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 7:

Baack
Bernard-Stevens
Landis
Morrissey
Nelson
Schimek
Weihing

Voting in the negative, 33:

Abboud
Ashford
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
Moore
Peterson
Pirsch
Robak
Rogers
Schellpeper
Smith
Warner
Wehrbein
Withem

Present and not voting, 5:

Chambers
Goodrich
Haberman
Hannibal
Scofield

Excused and not voting, 4:

Barrett
McFarland
Schmit
Wesely

The Chambers motion to overrule the Chair lost with 7 ayes, 33 nays, 5 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Messrs. R. Johnson. Withem, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to reconsider the vote taken on whether to overrule the Chair.

Messrs. Haberman, Ashford, McFarland, Kristensen, Withem, Hannibal, Dierks, and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Chambers requested a record vote on his motion to reconsider the motion to overrule the Chair.

Voting in the affirmative, 5:

Chambers
Landis
Morrissey
Schimek
Weihing

Voting in the negative, 25:

Barrett
Beck
Beyer
Byars
Chizek
Conway
Crosby
Elmer
Goodrich
Hall
Hefner
Johnson, L.
Johnson, R.
Labedz
Lamb
Langford
Lindsay
Moore
Peterson
Pirsch
Rogers
Schmit
Scofield
Warner
Wehrbein

Present and not voting, 11:

Abboud
Baack
Bernard-Stevens
Coordsen
Haberman
Hartnett
Korshoj
Lynch
Nelson
Robak
Schellpeper

Excused and not voting, 8:

Ashford
Dierks
Hannibal
Kristensen
McFarland
Smith
Wesely
Withem

The Chambers motion to reconsider lost with 5 ayes, 25 nays, 11 present and not voting, and 8 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1247 and resolution 406.

LB	**Committee**
1247	Judiciary

LR	**Committee**
406	Business and Labor

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 54 in the Journal. No objections. So ordered.

AM3167

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new section:

"Section 1. A city of the first class may plan, initiate, operate, maintain, administer funding for, and evaluate facilities, programs, and services that meet the needs of elderly persons and contract with state agencies, political subdivisions, and private nonprofit agencies to exercise and carry out such powers.".

2. On page 1, strike beginning with "the" in line 1 through line 11 and insert "cities of the first class; to provide powers to meet the needs of elderly persons through facilities, programs, and services as prescribed.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1990, at 11:02 a.m., were the following bills: 662, 662A, 663, 663A, 678, and 678A.

(Signed) Jeffrey DeLine, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 414. Introduced by Withem, 14th District.

WHEREAS, constant examination and efforts to improve our elementary and secondary schools are essential in order to produce graduates of our school system who will be competitive in an increasingly global economy and who will maintain the strong traditions of our democracy and the quality of life in our nation and state; and

WHEREAS, the Legislature has gone on record in support of locally driven efforts at school reform and restructuring; and

WHEREAS, while the state can provide guidance, technical and financial assistance, and regulatory flexibility, the real impetus and action for improvements in teaching and learning must begin and be sustained at the local level with teacher, parent, community, board member, and administrative leadership and work; and

WHEREAS, it is difficult for citizens and educators to break the chains of inertia and routine and begin the difficult work of investigating fundamental changes in our schools while at the same time balancing the day-to-day pressures of running the schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the Decade of Change project started by several school districts including North Platte, Grand Island, Lincoln, Ralston, Fremont, Norfolk, Westside, Bellevue, Columbus, and Hastings under the leadership of the Nebraska Center for Excellence in Education.
2. That the Legislature recognizes initiatives to support and study school restructuring by the State Department of Education and the University of Nebraska-Lincoln.
3. That the Legislature supports and encourages these efforts which are essential to future strength and vitality of the public school system.

Laid over.

LEGISLATIVE RESOLUTION 415. Introduced by Langford, 36th District.

WHEREAS, the village of Pleasanton was founded in northern Buffalo County in 1890 and will be celebrating its centennial this year; and

WHEREAS, Pleasanton has survived two major floods and the loss of the railroad and remains an active, thriving community of about three hundred fifty residents; and

WHEREAS, the book Pleasanton on the Loup has been published as a part of the celebration of the centennial; and

WHEREAS, the celebration will take place June 28 through July 1, 1990, with a parade on June 30, 1990; and

WHEREAS, the people of Pleasanton will be celebrating and honoring those who have built and carried on the heritage of Pleasanton over the past one hundred years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Pleasanton, Nebraska, be congratulated on the celebration of its centennial.
2. That a copy of this resolution be sent to the village of Pleasanton.

Laid over.

MOTION - Return LB 688 to Select File

The pending McFarland motion to cease debate was renewed.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Labedz
Lamb
Langford
Lindsay
Lynch
Moore
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein

Voting in the negative, 8:

Baack
Bernard-Stevens
Chambers
Landis
Morrissey
Schimek
Scofield
Weihing

Present and not voting, 1:

Nelson

Absent and not voting, 1:

Abboud

Excused and not voting, 7:

Ashford
Dierks
Hannibal
Kristensen
McFarland
Wesely
Withem

The McFarland motion to cease debate prevailed with 32 ayes, 8 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The pending Chambers motion to reconsider the Landis motion to return LB 688 to Select File for his specific amendment, FA443, was renewed.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 11:

Baack
Bernard-Stevens
Chambers
Haberman
Landis
Moore
Morrissey
Schimek
Scofield
Warner
Weihing

Voting in the negative, 25:

Barrett
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Hall
Hefner
Johnson, L.
Labedz
Lamb
Langford
Lindsay
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein

Present and not voting, 5:

Abboud
Hartnett
Korshoj
Lynch
Nelson

Excused and not voting, 8:

Ashford
Dierks
Hannibal
Johnson, R.
Kristensen
McFarland
Wesely
Withem

The Chambers motion to reconsider lost with 11 ayes, 25 nays, 5 present and not voting, and 8 excused and not voting.

Mmes. Pirsch and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Landis and Chambers moved to return LB 688 to Select File for the following specific amendment:
FA444
on page 4 line 8
The curriculum shall not include any material on abortion counseling.

Messrs. Korshoj, Hartnett, Lynch, Goodrich, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LAMB PRESIDING

Messrs. Landis and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 1153 in the Journal. No objections. So ordered.

AM3223

1. In the E & R amendment, AM7201, on page 4, line 1, strike the first "and" and after the first comma insert "and 77-1333,".

2. In the Barrett amendment, AM2999, on page 1, line 10, strike "and" and insert "or".

3. In the Standing Committee amendment, AM2572:

a. On page 8, lines 2 and 12, strike "and" and insert "or";

b. On page 19, line 3, after the semicolon insert "and"; and strike beginning with the semicolon in line 8 through "board" in line 10;

c. On page 25, line 4, after the semicolon insert "and"; and strike beginning with the semicolon in line 9 through "board" in line 11;

d. On page 27, strike beginning with "in" in line 6 through line 7 and insert "; and"; and strike beginning with the semicolon in line 9 through "board" in line 11;

e. On page 30, line 4, after the period insert "The board shall approve continuing education activities which it determines would protect the public by improving the competency of licensees and certificate holders."; in line 16 strike "Generally" and insert "The board shall adopt and promulgate rules and regulations which may conform to the generally"; and in line 17 strike "are currently";

f. On page 38, line 13, strike "document" and insert "license"; and in line 20 after the period insert "Each license or certificate shall designate the principal place of business of the licensee or certificate holder.";

g. On page 39, line 7, strike "License documents" and insert "Licenses"; and in lines 11 and 12 strike "document";

h. On page 40, line 8, strike "the business of"; and in line 9 strike "appraising" and insert "appraisal activities";

i. On page 41, line 7, after the second period insert "(1)"; strike beginning with "(1)" in line 8 through "(2)" in line 11 and insert "(a) to provide independent appraisal services or (b)"; and in line 16 before "Independent" insert "(2)";

j. On page 42, line 9, before "A" insert "(3)";

k. Insert the following new section:

"Sec. 58. That section 77-1333, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1333. The Tax Commissioner shall provide to each county or multicounty assessment district at the request of such county or district the services of licensed or certified real estate appraisers for the appraisal of major industrial and commercial properties. The properties to be so appraised shall be determined by the Tax Commissioner after consultation with county assessors. In making such determinations, the Tax Commissioner shall perform such appraisals with the resources at his or her disposal.";

l. On page 58, line 11, strike "December 31, 1990" and insert "January 1, 1991"; and in line 16 strike "59 and 63" and all amendments thereto and insert "55, 57 to 60, and 64"; and

m. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LBs 1184, 1229, 610, 431, and 1088. No objections. So ordered.

MOTION - Adjournment

Mr. Korshoj moved to adjourn until 9:00 a.m., Monday, April 2, 1990.

Mr. Chambers requested a record vote on the motion to adjourn.

Voting in the affirmative, 14:

Bernard-Stevens
Beyer
Chambers
Elmer
Goodrich
Haberman
Hartnett
Hefner
Korshoj
Morrissey
Nelson
Schellpeper
Wehrbein
Weihing

Voting in the negative, 24:

Abboud
Baack
Barrett
Beck
Byars
Conway
Coordsen
Crosby
Dierks
Hall
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lynch
Peterson
Schimek
Schmit
Scofield
Smith
Warner
Withem

Present and not voting, 2:

Moore
Rogers

Excused and not voting, 9:

Ashford
Chizek
Hannibal
Landis
Lindsay
McFarland
Pirsch
Robak
Wesely

The Korshoj motion to adjourn lost with 14 ayes, 24 nays, 2 present and not voting, and 9 excused and not voting.

Messrs. Hefner and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 688 to Select File

The Landis-Chambers pending motion to return LB 688 to Select File for their specific amendment, FA444, was renewed.

Messrs. Schmit, Korshoj, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. R. Johnson, Morrissey, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 980A in the Journal. No objections. So ordered.

AM3222

(Amendments to Final Reading copy)

1. Strike original sections 1 and 2 and insert

"Section 1. That section 77-1726, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 1183, Ninety-first Legislature, Second Session, 1990, be amended to read as follows:

77-1726. When any ~~Any~~ corporation or company doing business in this state ~~which willfully~~ fails or neglects to pay any taxes assessed or charged against it which have become delinquent, ~~shall be guilty of a Class IV felony and may be prosecuted under the procedures in section 29-1608. Each day the tax remains unpaid shall~~

~~constitute a separate violation of this section. Before a prosecution under this section may be commenced,~~ the county treasurer shall notify any agent or officer ~~an officer or agent~~ of the corporation or company in the county where the tax is delinquent ~~(1)~~ that the tax is delinquent~~,~~ and ~~(2) of~~ the amount of tax due~~,~~ and shall further notify the agent or officer ~~(3) to pay the tax forthwith.~~ to pay over all money that may be in his or her hands, or that may afterwards come into his or her hands, belonging to such corporation or company, not exceeding the amount of tax due, to such county treasurer. If such agent or officer ~~or agent~~ willfully fails to pay over the tax due to the county treasurer, ~~when so notified,~~ he or she shall be deemed guilty of a Class IV ~~felony~~ misdemeanor.

Sec. 2. That original section 77-1726, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 1183, Ninety-first Legislature, Second Session, 1990, is repealed.".

2. On page 1, strike beginning with "appropriations" in line 1 through "1990" in line 6 and insert "revenue and taxation; to amend section 77-1726, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 1183, Ninety-first Legislature, Second Session, 1990; to change provisions relating to the collection of taxes from corporations and companies; to change penalties as prescribed".

Mr. Hall asked unanimous consent to print the following amendment to LB 1055 in the Journal. No objections. So ordered.

AM3236

(Amendments to AM2621)

1. On page 4, line 12, strike "permits", show as stricken, and insert "aids or abets" and strike "to make", show as stricken, and insert "in making".

Mr. Lamb asked unanimous consent to print the following amendment to LB 960 in the Journal. No objections. So ordered.

AM3237

(Amendments to Final Reading copy)

1. On page 4, line 14, strike "twelve" and insert "thirteen"; strike beginning with "Two" in line

16 through "(b)" in line 19; in line 22 strike "(c)" and insert "(b)"; and in line 24 strike "(d)" and insert "(c)".

2. On page 5, line 1, strike "(e)" and insert "(d)"; in line 3 strike "(f)" and insert "(e)"; in line 5 strike "(g) Two persons" and insert "(f) One person"; in line 6 strike "representatives" and insert "a representative"; in line 7 strike "(h)" and insert "(g)"; in line 9 strike "and"; in line 10 strike "(i)" and insert "(h)"; and in line 12 after "units" insert ";

(i) Two persons shall be appointed by the Governor as representatives of the agricultural community; and

(j) Two persons shall be appointed by the Governor as representatives of the general public".

Mr. Lamb asked unanimous consent to print the following amendment to LB 960 in the Journal. No objections. So ordered.

AM3238

(Amendments to Final Reading copy)

1. Strike original section 3.

2. Renumber the remaining section accordingly.

3. On page 1, strike beginning with "to" in line 3 through the semicolon in line 4.

MOTION - Adjournment

Mr. Landis moved to adjourn until 9:00 a.m., Monday, April 2, 1990.

Mr. Landis requested a roll call vote on his motion to adjourn.

Voting in the affirmative, 10:

Ashford
Chambers
Elmer
Landis
Moore
Nelson
Schellpeper
Wehrbein
Weihing
Wesely

Voting in the negative, 27:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Crosby
Dierks
Hall
Hartnett
Johnson, L.
Kristensen
Lamb
Langford
Lindsay
Lynch
McFarland

Peterson	Rogers	Scofield	Warner	Withem
Pirsch	Schimek	Smith		

Present and not voting, 4:

Hannibal	Hefner	Labedz	Robak

Absent and not voting, 2:

Goodrich	Haberman

Excused and not voting, 6:

Chizek	Johnson, R.	Korshoj	Morrissey	Schmit
Coordsen				

The Landis motion to adjourn lost with 10 ayes, 27 nays, 4 present and not voting, 2 absent and not voting, and 6 excused and not voting.

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

MOTION - Return LB 688 to Select File

The Landis-Chambers pending motion to return LB 688 to Select File for their specific amendment, FA444, was renewed.

Messrs. Lynch, Schellpeper, Schmit, and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HEFNER PRESIDING

SPEAKER BARRETT PRESIDING

Messrs. Hefner and Goodrich asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Wesely, Byars, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 1064 in the Journal. No objections. So ordered.

AM3207

1. Insert the following new sections:

"Section 1. (1) Until July 1, 1991, a special care provider may perform routine health care maintenance procedures for individuals with developmental disabilities when such procedures are performed in an early childhood program, a center for the developmentally disabled, a special education setting, a medicaid waiver facility, or a foster care setting under the supervision of the attending physician without being in violation of the scope of practice of nursing as provided in section 71-1,132.05. The special care provider shall receive training by the attending physician or a registered nurse of at least two hours per procedure and shall demonstrate to the attending physician or a registered nurse the necessary competency to perform the routine health care maintenance procedures required to meet the special care needs of each individual served. Such procedures shall be performed under the direction of a registered nurse in centers for the developmentally disabled and in special education settings.

(2) For purposes of this section:

(a) Center for the developmentally disabled shall have the meaning provided in section 71-2017.01;

(b) Developmental disability shall have the meaning provided in section 71-2017.01;

(c) Early childhood program shall mean a program licensed under section 71-1911 or approved by the Department of Social Services as an early childhood program;

(d) Foster care setting shall mean a facility licensed under section 71-1902 or approved by the department to provide foster care;

(e) Medicaid waiver facility shall mean a person or facility certified by the Department of Health or the Department of Social Services to provide home and community-based services furnished under home and community-based waivers as defined in Title XIX of the Social Security Act, as amended, 42 U.S.C. 1396;

(f) Routine health care maintenance procedures shall include intermittent catheterization, catheter irrigation, colostomy care, ileostomy care, blood glucose monitoring, gastrostomy tube feeding, or any other procedure that is routinely provided which could have been performed by the individual but for his or her disability;

(g) Special care provider shall mean an individual who performs a routine health care maintenance procedure for an individual who but for a developmental disability would perform such procedure for himself or herself; and

(h) Special education shall have the meaning provided in section 79-3314.

Sec. 2. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber the remaining sections accordingly.

MOTION - Adjournment

Mrs. Langford moved to adjourn until 9:00 a.m., Monday, April 2, 1990.

Mr. Withem requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 15:

Baack
Beyer
Chambers
Haberman
Hannibal
Johnson, L.
Johnson, R.
Landis
Langford
Morrissey
Scofield
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 25:

Abboud
Ashford
Barrett
Beck

Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hartnett
Kristensen
Labedz
Lamb
Lindsay
McFarland
Nelson
Peterson
Pirsch
Rogers
Schimek
Smith
Withem

Present and not voting, 2:

Hall
Robak

Excused and not voting, 7:

Goodrich
Hefner
Korshoj
Lynch
Moore
Schellpeper
Schmit

The motion to adjourn lost with 15 ayes, 25 nays, 2 present and not voting, and 7 excused and not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 688 to Select File

The Landis-Chambers pending motion to return LB 688 to Select File for their specific amendment, FA444, was renewed.

Messrs. Wesely, Baack, and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion lost with 5 ayes, 19 nays, and 25 not voting.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Chambers requested a record vote on the motion to return to Select File.

Voting in the affirmative, 3:

Landis
Morrissey
Weihing

Voting in the negative, 25:

Abboud
Ashford
Barrett
Beck
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
Peterson
Smith
Withem

Present and not voting, 10:

Bernard-Stevens
Hall
Hannibal
McFarland
Nelson
Pirsch
Robak
Rogers
Schimek
Scofield

Excused and not voting, 11:

Baack
Goodrich
Hefner
Korshoj
Lynch
Moore
Schellpeper
Schmit
Warner
Wehrbein
Wesely

The Landis-Chambers motion to return lost with 3 ayes, 25 nays, 10 present and not voting, and 11 excused and not voting.

MOTION - Reconsider Action on LB 688

Mr. Chambers moved to reconsider the vote on the Landis-Chambers motion to return LB 688 to Select File for their specific amendment, FA444.

Messrs. McFarland and Hannibal asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 1246 in the Journal. No objections. So ordered.

AM3151

(Amendments to Standing Committee amendments, AM2877)

1. Insert the following new section:

"Sec. 10. That section 29-404.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

29-404.02. (1) Except as provided in section 42-928, a peace officer, including a federal law enforcement officer, may arrest a person without a warrant if the officer has reasonable cause to believe that such person: ~~has committed:~~

~~(1) A~~ (a) Has committed or is committing a felony;

~~(2) A~~ (b) Has committed a misdemeanor~~,~~ and the officer has reasonable cause to believe that such person either ~~(a)~~ (i) will not be apprehended unless immediately arrested, ~~(b)~~ (ii) may cause injury to himself, ~~or~~ herself, or others or damage to property unless immediately arrested, ~~(c)~~ (iii) may destroy or conceal evidence of the commission of such misdemeanor, or ~~(d)~~ (iv) has committed a misdemeanor in the presence of the officer; or

~~(3) One~~ (c) Has committed one or more of the following acts to one or more household members:

~~(a)~~ (i) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or

~~(b)~~ (ii) Threatening another in a menacing manner.

(2) For purposes of this section:

(a) A federal law enforcement officer is one who is employed full time by the United States Government and is empowered to effect an arrest with or without a warrant for any violation of the United States Code and is authorized to carry a firearm in the performance of his or her duties as an agent of the United States, including, but not limited to, the Federal Bureau of Investigation, Drug Enforcement Administration, Marshals Service, Secret Service, Bureau of Alcohol, Tobacco, and Firearms, Treasury Department, Customs Service, Justice Department, and Internal Revenue Service; and

(b) Household ~~, household~~ members shall include spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity.

(3) A federal law enforcement officer shall have the same legal status and immunity from suit in this state as a peace officer as defined in section 49-801 when making an arrest in this state for a nonfederal crime if (i) he or she has reasonable cause to believe that the person arrested has committed a felony or is committing a felony in his or her presence or (ii) he or she is rendering assistance to a peace officer in an emergency or at the request of a peace officer.”.

2. On page 22, line 4, after the first comma insert “29-404.02,”.

3. Renumber remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 1090 in the Journal. No objections. So ordered.

AM3144

(Amendments to Final Reading copy)

1. Insert the following new section:

“Sec. 2. That section 77-2716.01, Revised Statutes Supplement, 1989, be amended to read as follows:

77-2716.01. (1) Every individual shall be allowed to subtract from federal adjusted gross income an amount for personal exemptions. ~~For tax year 1987, the amount allowed to be subtracted shall be one thousand one hundred dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1988, the amount allowed to be subtracted shall be one thousand one hundred thirty dollars multiplied by the number of exemptions allowed on the federal return.~~ For tax year 1989, the amount allowed to be subtracted shall be one thousand one hundred eighty dollars multiplied by the number of exemptions allowed on the federal return. For tax year 1990 and each tax year thereafter, the amount to be subtracted shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. If any amount to be subtracted is not a multiple of ten dollars, the amount shall be rounded to the next lowest multiple of ten dollars. The amount shall then be multiplied by the number of exemptions allowed on the federal return.

(2) Every individual who did not itemize

deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or all of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid.

(4)(a) Every resident individual shall be allowed to subtract from federal adjusted gross income the actual amount paid to others for tuition, textbooks, and transportation during the tax year not in excess of one thousand one hundred dollars for each dependent in grades kindergarten through six and one thousand seven hundred dollars for each dependent in grades seven through twelve attending a public or nonpublic elementary or secondary school. No deduction shall be allowed under this subsection unless the school is located in the state, is not operated for profit, does not discriminate on the basis of race, color, or national origin, and fulfills the school term requirements prescribed in section 79-201.

(b) For purposes of this subsection:

(i) Textbooks shall mean and include books, instructional materials, and equipment used in teaching the elementary or secondary instructional program prescribed by the rules and regulations of the State Board of Education. Textbooks shall not include books, instructional materials, or equipment used in the teaching of religious tenets, doctrines, or worship or for extracurricular activities;

(ii) Transportation shall not include transportation to and from extracurricular activities; and

(iii) Dependent shall mean a person for whom the individual claims a dependency exemption on his or her federal income tax return.".

2. On page 1, line 10, after "sections" insert "77-2716.01,".

3. On page 2, line 4, after the semicolon

insert "to provide an income tax deduction for certain educational expenses; to define terms;".

4. On page 64, line 14, after "sections" insert "77-2716.01,".

5. Renumber remaining sections accordingly.

Mr. Abboud asked unanimous consent to print the following amendment to LB 976 in the Journal. No objections. So ordered.

AM3204

1. Insert the following new section:

"Sec. 2. That section 29-404.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-404.02. (1) Except as provided in section 42-928, a peace officer, including a federal law enforcement officer, may arrest a person without a warrant if the officer has reasonable cause to believe that such person: ~~has committed:~~

~~(1) A~~ (a) Has committed or is committing a felony;

~~(2) A~~ (b) Has committed a misdemeanor~~,~~ and the officer has reasonable cause to believe that such person either ~~(a)~~ (i) will not be apprehended unless immediately arrested, ~~(b)~~ (ii) may cause injury to himself, ~~or~~ herself, or others or damage to property unless immediately arrested, ~~(c)~~ (iii) may destroy or conceal evidence of the commission of such misdemeanor, or ~~(d)~~ (iv) has committed a misdemeanor in the presence of the officer; or

~~(3) One~~ (c) Has committed one or more of the following acts to one or more household members:

~~(a)~~ (i) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or

~~(b)~~ (ii) Threatening another in a menacing manner.

(2) For purposes of this section:

(a) A federal law enforcement officer is one who is employed full time by the United States Government and is empowered to effect an arrest with or without a warrant for any violation of the United States Code and is authorized to carry a firearm in the performance of his or her duties as an agent of the

United States, including, but not limited to, the Federal Bureau of Investigation, Drug Enforcement Administration, Marshals Service, Secret Service, Bureau of Alcohol, Tobacco, and Firearms, Treasury Department, Customs Service, Justice Department, and Internal Revenue Service; and

(b) Household ~~, household~~ members shall include spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity.

(3) A federal law enforcement officer shall have the same legal status and immunity from suit in this state as a peace officer as defined in section 49-801 when making an arrest in this state for a nonfederal crime if (a) he or she has reasonable cause to believe that the person arrested has committed a felony or is committing a felony in his or her presence or (b) he or she is rendering assistance to a peace officer in an emergency or at the request of a peace officer.”.

2. On page 10, line 24, after “28-416” insert “, 29-404.02,”.

3. Renumber remaining sections accordingly.

MOTION - Adjournment

Mr. Lamb moved to adjourn until 9:00 a.m., Monday, April 2, 1990.

The motion to adjourn lost with 15 ayes, 19 nays, 3 present and not voting, and 12 excused and not voting.

MOTION - Reconsider Action on LB 688

The Chambers motion to reconsider the vote on the Landis-Chambers motion to return LB 688 to Select File for their specific amendment, FA444, was renewed.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

The Chambers motion to reconsider lost with 5 ayes, 18 nays, 13 present and not voting, and 13 excused and not voting.

MOTION - Return LB 688 to Select File

Messrs. Landis and Chambers moved to return LB 688 to Select File for the following specific amendment:
FA445
Page 4 line 8
"The curriculum shall not include any instruction on contraception or contraception counseling."

Pending.

MOTION - Bracket LB 688

Mr. Chambers moved to bracket LB 688 until January 1, 1991.

Messrs. Landis and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to bracket.

MOTION - Return LB 688 to Select File

The Landis-Chambers motion to return LB 688 to Select File for the specific amendment, FA445, was renewed.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 416. Introduced by Chizek, 31st District.

WHEREAS, in November 1989, the United States and Japan entered into an agreement which allows the United States to select three gateways for nonstop services to Tokyo, and Chicago-Tokyo is eligible under this agreement for additional United States carrier nonstop services as early as October 1990; and

WHEREAS, the United States Department of Transportation, in order to authorize United States carriers and gateways under the November 1989 agreement, has instituted the 1990 U.S.-Japan Gateways Proceeding, Docket 45700; and

WHEREAS, in response to the department's invitation, United Airlines has filed an application for Chicago-Tokyo authority, which is the only market that United Airlines will seek in this proceeding; and

WHEREAS, United Airlines is the only carrier with hubs at both Chicago and Tokyo and is in position to develop the full competitive potential of Chicago's traffic to Asia; and

WHEREAS, United Airlines anticipates that almost five thousand six hundred persons annually will take current United Airline service from Nebraska to Chicago specifically for Chicago-Tokyo nonstop flights which the airline has applied to offer; and

WHEREAS, the consequent ability of Nebraskans and Nebraska businesses to expeditiously use such airline service should be of great benefit to the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the President of the United States and the Administrative Law Judge to expeditiously consider and approve United Airline's application for the Chicago-Tokyo nonstop route in order to bring the untold economic benefits that will accompany the opening of that route.
2. That suitable copies of this resolution be sent to President George Bush, the Honorable John Mathias, Administrative Law Judge, and the Nebraska Congressional Delegation.

Laid over.

MOTION - Adjournment

Mr. Byars moved to adjourn until 9:00 a.m., April 2, 1990.

Mr. Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 9:

Ashford
Bernard-Stevens
Byars
Chambers
Crosby
Morrissey
Nelson
Scofield
Weihing

Voting in the negative, 24:

Abboud
Beck
Beyer
Chizek
Conway
Coordsen
Elmer
Hall
Hartnett
Johnson, L.

Johnson, R.
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schimek
Smith
Withem

Present and not voting, 2:

Barrett
Dierks

Excused and not voting, 14:

Baack
Goodrich
Haberman
Hannibal
Hefner
Korshoj
Kristensen
Landis
Moore
Schellpeper
Schmit
Warner
Wehrbein
Wesely

The motion to adjourn lost with 9 ayes, 24 nays, 2 present and not voting, and 14 excused and not voting.

MOTION - Return LB 688 to Select File

The Landis-Chambers motion to return LB 688 to Select File for the specific amendment, FA445, was renewed.

Pending.

MOTION - Bracket LB 688

Mr. Chambers moved to bracket LB 688 until January 2, 1991.

Mr. Withem raised a point of order on whether Rule 7, Section 6 prohibits the Chambers bracket motion until January 2, 1991 from being considered, given that an earlier motion to bracket had been considered and then withdrawn.

The Chair ruled that the earlier Chambers motion had not been decided, because it was withdrawn prior to having been voted upon.

Mr. Withem challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers requested a ruling of the Chair on whether there had been a full and fair debate on the Withem motion to overrule the Chair.

The Chair ruled there had been a full and fair debate on the motion to overrule the Chair.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Abboud withdrew his motion to cease debate.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Chambers requested a roll call vote on the Withem motion to overrule the Chair.

Voting in the affirmative, 26:

Abboud
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Johnson, L.
Johnson, R.
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schmit
Smith
Withem

Voting in the negative, 10:

Bernard-Stevens
Hannibal
Landis
Morrissey
Nelson
Schimek
Scofield
Warner
Weihing
Wesely

Present and not voting, 4:

Ashford
Barrett
Beck
Chambers

Excused and not voting, 9:

Baack
Goodrich
Haberman
Hefner
Korshoj
Kristensen
Moore
Schellpeper
Wehrbein

The Withem motion to overrule the Chair prevailed with 26 ayes, 10 nays, 4 present and not voting, and 9 excused and not voting.

MOTION - Reconsider Action on LB 688

Mr. Chambers moved to reconsider the vote on the Withem motion to overrule the Chair on LB 688.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 8:

Bernard-Stevens
Chambers
Landis
Morrissey
Schimek
Scofield
Weihing
Wesely

Voting in the negative. 20:

Abboud
Ashford
Beck
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Hartnett
Labedz
Langford
Lindsay
Lynch
Peterson
Pirsch
Robak
Schmit
Smith
Withem

Present and not voting, 12:

Barrett
Coordsen
Elmer
Hall
Hannibal
Johnson. L.
Johnson, R.
Lamb
McFarland
Nelson
Rogers
Warner

Excused and not voting, 9:

Baack
Goodrich
Haberman
Hefner
Korshoj
Kristensen
Moore
Schellpeper
Wehrbein

The Chambers motion to reconsider lost with 8 ayes, 20 nays, 12 present and not voting. and 9 excused and not voting.

MOTION - Bracket LB 688

Ms. Schimek moved to bracket LB 688E until January 1, 1991.

The Chair ruled the Schimek motion out of order, inasmuch as the issue had just been decided.

Mr. Chambers moved to bracket LB 688E.

Mr. McFarland requested a ruling of the Chair on whether the Chambers motion to bracket is in order given the previous interpretation of Rule 7, Section 6.

The Chair ruled that a motion to bracket is a separate and distinct motion from a motion to bracket to a date certain.

Mr. McFarland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1124 in the Journal. No objections. So ordered.

AM3283

(Amendments to Standing Committee amendments, AM2758)

1. Insert the following new sections:

"Sec. 2. The Department of Revenue shall at the end of each calendar quarter determine (1) the amount of motor fuel tax that was not collected in the second preceding calendar quarter due to the credit provided in section 1 of this act and the exemption provided in sections 66-410 and 66-428, (2) the amount of motor fuel tax that would not have been collected in the second preceding calendar quarter if the exemption provided in sections 66-410 and 66-428 were in the amount of three cents per gallon effective until January 1, 1993, and (3) the amount by which the amount determined in subdivision (1) of this section exceeds the amount determined in subdivision (2) of this section. If the amount determined in subdivision (3) of this section is at least equal to the amount of revenue raised in the same period by one-tenth of one cent of the fuel tax imposed by sections 66-410, 66-428, and 66-605, the Tax Commissioner shall for the next succeeding calendar quarter adjust the rate of the fuel tax imposed by such sections in an amount which the Tax Commissioner estimates, based on the estimates provided to the State Board of Equalization and Assessment pursuant to section 66-476, will raise sufficient revenue to meet and not exceed the amount determined in subdivision (3) of this section, except that all such adjustments shall be in increments of one-tenth of one cent per gallon.

Sec. 5. That section 66-474, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-474. (1) The Department of Revenue shall implement, administer, collect, and audit the tax imposed by sections 66-473, 66-477, 66-478, 66-605.02, and 66-605.03 and section 2 of this act in an efficient and effective manner. Upon receipt of the cost figures required by section 66-475, the department shall determine the statewide average cost by dividing the total amount paid for motor vehicle fuels and special fuels by the State of Nebraska, excluding any state and federal taxes, by the total number of gallons of motor vehicle fuels and special fuels purchased during the reporting period.

(2) After computing the statewide average cost as required in subsection (1) of this section, the department shall multiply such statewide average cost by the tax rate established pursuant to section 66-476.

(3) In making the computations required by subsections (1) and (2) of this section, gallonage reported shall be rounded to the nearest gallon and total costs shall be rounded to the nearest dollar. All other computations shall be made with three decimal places, except that after all computations have been made the tax per gallon shall be rounded to the nearest one-tenth of one cent.

(4) The tax rate per gallon computed pursuant to this section shall be distributed to all licensed motor vehicle fuel dealers, special fuel dealers, and interstate motor vehicle operators who choose to be subject to sections 66-410.01 to 66-410.05 at least five days prior to the first day of any calendar quarter during which the tax is to be adjusted. Such tax rate shall be utilized in computing the tax due for the period specified by the Tax Commissioner.

Sec. 6. That section 66-605, Revised Statutes Supplement, 1989, be amended to read as follows:

66-605. In addition to the tax imposed pursuant to sections 66-605.02 and 66-605.03 and section 2 of this act, there is hereby levied and imposed an excise tax of ten and one-half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (8) of section 66-602. The tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer and be paid over to the Tax Commissioner as provided by sections 66-601 to 66-649. The tax, with respect to all special fuel delivered by a special fuel dealer into special fuel storage facilities designed or equipped to fuel motor vehicles, shall attach at the time of such delivery unless the recipient of the special fuel provides a certificate of exemption. Such tax shall be collected by the dealer and be paid over to the Tax Commissioner as provided in sections 66-601 to 66-649.

All sums of money received by the State Treasurer under this section shall be placed in the Highway Trust Fund. Credits and refunds of such tax allowed to special fuel dealers shall be paid from the Highway Trust Fund.”.

2. On page 1, line 3, strike “2” and insert “3”; and in line 9 after “66-478” insert “and section 2 of this act”.

3. On page 2, line 10, strike “3” and insert “4”; and in line 15 after “66-478” insert “and section 2 of this act”.

4. Insert the following new amendment:

“3. On page 4, line 21, after ‘original’ insert ‘section 66-474, Reissue Revised Statutes of Nebraska. 1943,’; and in line 22 after the last comma insert ‘and section 66-605, Revised Statutes Supplement, 1989.’.”.

VISITORS

Visitors to the Chamber were 25 fourth grade students and teacher from Plattsmouth Central; Louise and Tamara Dexter from Grand Island; 40 fourth through eighth grade students and teacher from Humphrey; 55 seventh and eighth grade students and teacher from Wayne; 13 seniors and sponsors from Butte; 12 campfire girls and sponsors from North Platte; 35 sixth grade students and teacher from St. Cecelia, Hastings; 10 junior and senior high students and sponsor from Ralston; 19 sixth grade students and teacher from Overton; 41 seventh and eighth grade students and teacher from Ainsworth; and Casey and Sarah Diekmann from Lincoln.

MOTION - Adjournment

Mr. Dierks moved to adjourn until 9:00 a.m., April 2, 1990. The motion prevailed with 19 ayes, 6 nays, 16 present and not voting, and 8 excused and not voting, and at 11:19 p.m., the Legislature adjourned until 9:00 a.m., Monday, April 2, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 2, 1990

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY - APRIL 2, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 2, 1990

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Charles E. Tyler, Allen Chapel A.M.E. Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wehrbein who was excused; and Messrs. Abboud, Ashford, Baack, Barrett, Bernard-Stevens, Chambers, Chizek, Conway, Haberman, Hall, R. Johnson, Kristensen, Lindsay, Moore, Schmit, Warner, Withem, Mmes. Beck, Labedz, Langford, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1724, line 20, strike "Special" and insert "Select".
The Journal for the Fifty-Fourth day was approved as corrected.
The Journal for the Fifty-Fifth Day was approved.

REPORT

Received Annual Report 1989 and Nebraska Energy Statistics, 1960-1988, from the Nebraska State Energy Office pursuant to Section 81-1607.

RESOLUTIONS

LEGISLATIVE RESOLUTION 396. Read. Considered.

LR 396 was adopted with 17 ayes, 0 nays, and 32 not voting.

LEGISLATIVE RESOLUTION 397. Read. Considered.

LR 397 was adopted with 22 ayes, 0 nays, and 27 not voting.

MOTION - Approve Appointments

Mrs. Smith moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 1634: Rich Bailey, Mary Cabela, Marge Durham, Catherine Ferguson, Luigi Waites - Nebraska Arts Council, and Wayne D. Sides - State Electrical Board.

Voting in the affirmative, 26:

Ashford
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hannibal
Hartnett
Hefner
Johnson, L.
Labedz
Lynch
McFarland
Peterson
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 8:

Chizek
Goodrich
Korshoj
Lamb
Landis
Morrissey
Nelson
Schmit

Excused and not voting, 15:

Abboud
Baack
Barrett
Beck
Chambers
Haberman
Hall
Johnson, R.
Kristensen
Langford
Lindsay
Moore
Pirsch
Wehrbein
Withem

These appointments were confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 1682: Marion Reyburn, Jerry Siders, Jack Hart - Commission for Hearing Impaired, and Kimberly Ann Apker - Rural Health Manpower Commission.

Voting in the affirmative, 25:

Ashford
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Hannibal
Hefner
Johnson, L.
Korshoj
Labedz
Lamb
McFarland
Morrissey
Peterson
Robak
Rogers
Schellpeper
Scofield
Warner
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 9:

Chizek
Goodrich
Hartnett
Landis
Lynch
Nelson
Schimek
Schmit
Smith

Excused and not voting, 15:

Abboud
Baack
Barrett
Beck
Chambers
Haberman
Hall
Johnson, R.
Kristensen
Langford
Lindsay
Moore
Pirsch
Wehrbein
Withem

These appointments were confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

MOTION - Withdraw LR 378

Mr. Elmer renewed his pending motion, found in the Journal on page 1658, to withdraw LR 378.

The motion to withdraw prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

MOTION - Overrule Speaker's Agenda

Mr. Lamb moved pursuant to Rule 1, Section 16 to overrule the Speakers's agenda for Monday, April 2, 1990, and consider immediately preceeding LB 1124 on General File LB 866 and LB 866A.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. Lamb requested a roll call vote on his motion to overrule the Speaker's agenda.

Voting in the affirmative, 25:

Ashford
Beyer
Byars
Chambers
Coordsen
Haberman
Hannibal
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lynch
McFarland
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Weihing

Voting in the negative, 15:

Baack
Barrett
Bernard-Stevens
Chizek
Conway
Elmer
Goodrich
Hall
Hartnett
Johnson, L.
Lindsay
Moore
Morrissey
Schimek
Scofield

Present and not voting, 3:

Crosby
Dierks
Lamb

Excused and not voting, 6:

Abboud
Beck
Pirsch
Wehrbein
Wesely
Withem

The Lamb motion to overrule the Speaker's agenda lost with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

MOTION - Reconsider Action on Overruling the Speaker's Agenda

Mr. Lamb moved to reconsider their action on the vote to overrule the Speaker's agenda.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Lamb requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 23:

Ashford
Beyer
Byars
Chambers
Coordsen
Haberman
Hannibal
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lynch
Nelson
Peterson
Robak
Rogers
Schmit
Smith
Warner
Weihing

Voting in the negative, 18:

Baack
Barrett
Beck
Bernard-Stevens
Chizek
Conway
Elmer
Goodrich
Hall
Hartnett
Johnson, L.
Lindsay
Moore
Morrissey
Schellpeper
Schimek
Scofield
Wesely

Present and not voting, 4:

Crosby
Dierks
Langford
McFarland

Excused and not voting, 4:

Abboud
Pirsch
Wehrbein
Withem

The Lamb motion to reconsider lost with 23 ayes, 18 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1124. Title read. Considered.

Standing Committee amendment, AM2758, found in the Journal on page 1152 for the Thirty-Ninth Day, was considered.

Mr. Warner renewed his pending amendment, AM3283, found in the Journal on page 1780, to the Standing Committee amendment.

The Warner amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 396 and LR 397.

GENERAL FILE

LEGISLATIVE BILL 1113. Title read. Considered.

Mr. Wesely withdrew his pending amendment, AM2649, found in the Journal on page 968.

Mr. Wesely renewed his pending amendment, AM2782, found in the Journal on page 1222.

The Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Moore offered the following amendment:
FA446
Strike Section 37 from the bill

SPEAKER BARRETT PRESIDING

Messrs. Haberman, Korshoj, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Wesely requested a roll call vote on the Moore amendment.

Voting in the affirmative, 26:

Ashford
Barrett
Beck
Beyer
Byars
Conway
Coordsen
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Moore
Nelson
Peterson
Rogers
Schmit
Scofield
Smith
Warner

Voting in the negative, 14:

Bernard-Stevens
Chambers
Chizek
Crosby
Dierks
Hall
Lindsay
Lynch
Morrissey
Robak
Schellpeper
Schimek
Weihing
Wesely

Present and not voting, 3:

Baack
Hartnett
McFarland

Excused and not voting, 6:

Abboud
Haberman
Korshoj
Pirsch
Wehrbein
Withem

The Moore amendment was adopted with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3293

(Amendments to Final Reading copy)

1. On page 44, line 20, after “percent” insert “, except that the rate of the sales tax on motor vehicles, trailers, and semitrailers as defined in section 60-301 shall be four percent”.

Mr. Chambers asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3282

(Amendments to Final Reading copy)

1. Insert the following new section:

“Sec. 35. That section 77-27,132, Revised Statutes Supplement, 1989, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund ~~all of the proceeds of the sales and use taxes derived from~~ the amount derived from a sales and use tax rate of four percent on sales of motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.”.

2. On page 1, line 7, after the second comma insert “77-27,132,”.

3. On page 2, line 8, after the semicolon insert “to change a provision relating to the Highway Trust Fund as prescribed;”.

4. On page 63, line 12, after the final comma insert “77-27,132,”.

5. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 50 fifth grade students and teacher from Milford; 38 students and sponsors from Sophomore Pilgrimage of Nebraska Federation of Women's Clubs; Senator Schellpeper's son, daughter-in-law, and grandsons, Jeff, Kathy, Andrew, and Eric Schellpeper; Senator Ashford's son, Brad Ashford; Senator Bernard-Stevens' son, David A. Bernard-Stevens from North Platte; 38 fourth, fifth, and sixth grade students and teacher from Giltner; William and Helen Warnes from Bellevue; Ralph and Elizabeth Rebman from Alma; 40 eighth grade students and teacher from St. Thomas More, Omaha; and Richard Plock from York, Glade Snoburger and Andy Jensen from Aurora, Boyd Stuhr from Bradshaw, and Rod Gangwish from Shelton.

RECESS

At 12:04 p.m., on a motion by Mr. Ashford, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Mr. Wehrbein who was excused; and Messrs. Abboud, Chambers, Chizek, Haberman, R. Johnson, Lindsay, Schmit, Mmes. Beck, Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1113. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1113A. Title read. Considered.

Mr. Moore offered the following amendment:

FA447

Strike section 2 of the bill

The Moore amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1064. Mr. Beyer withdrew his pending motion, found in the Journal on page 1427, to indefinitely postpone.

Messrs. Wesely, Lindsay, Byars, and Mrs. Labedz renewed their pending amendment, AM3207, found in the Journal on page 1766.

The Wesely et al. amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1064A. Mr. Peterson withdrew his pending amendment, AM2558, found in the Journal on page 983.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 843. E & R amendment, AM7186, found in the Journal on page 1338 for the Forty-Fourth Day, was adopted.

Mr. Baack withdrew his pending amendment, AM3149, found in the Journal on page 1585.

Mr. Baack offered the following amendment:

AM3234

1. Insert the following new sections:

"Sec. 14. That section 45, Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990, be amended to read as follows:

Sec. 45. That original sections 77-2701.02, 79-201.09, 79-470, 79-490, 79-12,145, 79-1369, and 79-2317, Reissue Revised Statutes of Nebraska, 1943, sections 77-678 and 77-2701.01, Revised Statutes Supplement, 1988, and sections 72-1237.01, 77-2715.02, 79-451, and 79-4,102, Revised Statutes Supplement, 1989, and also section ~~sections 79-1332, 79-1332.01, 79-1333.01, 79-1334, 79-1336 to 79-1340, 79-1342 to 79-1344.01, and~~ 79-1368, Reissue Revised Statutes of Nebraska, 1943, sections ~~79-1335,~~ 79-1344.03, 79-1380, and 79-1381, Revised Statutes Supplement, 1988, and sections ~~79-1330, 79-1331, 79-1333, 79-1333.02,~~ 79-1344.02, 79-1378, 79-1379, 79-1382, and 79-1383, Revised Statutes Supplement, 1989, are repealed.

Sec. 15. Sections 1 to 13 and 17 of this act shall become operative three calendar months after adjournment of the Ninety-first Legislature, Second Session, 1990. Section 19 of this act shall become operative on January 1, 1991, only if Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990, is in effect on such date. The other sections of this act shall become operative on their effective date.

Sec. 18. That original section 45, Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990, is repealed.

Sec. 19. That sections 79-1332, 79-1332.01, 79-1333.01, 79-1334, 79-1336 to 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, section 79-1335, Revised Statutes Supplement, 1988, and sections 79-1330, 79-1331, 79-1333, and 79-1332.02, Revised Statutes Supplement, 1989, are repealed.

Sec. 20. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 14, line 5, after the period insert "If sufficient funds are not appropriated to fully fund the provisions of this section, the department shall make a proportionate reduction in each payment made pursuant to this section.".

3. On page 16, after line 13, insert the following new paragraph:

"If sufficient funds are not appropriated to fully fund the provisions of this section, the department shall make a proportionate reduction in each payment made pursuant to this section.".

4. Renumber the remaining sections accordingly.

The Baack amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Baack offered the following amendment:
AM2989

1. In the Withem amendment, AM2345, on page 1 strike beginning with "after" in line 2 through the first "and" in line 3; in line 4 strike "or"; in line 5 strike "transfer" and insert "transfers" and after "school" insert ", or".

2. On page 10, line 4, strike "relocation", show as stricken, and insert "unless the student relocates"; in line 5 strike "unless the student" and show as stricken; and in line 6 strike "in which case", show as stricken, and insert ". In each case,".

3. On page 13, line 14, strike "sections" and insert "section"; and in lines 14 and 15 strike "and 79-3322" and show as stricken.

4. On page 14, after line 5, insert:

"(3) For option students verified as handicapped as defined in section 79-3309, the transportation services set forth in section 79-3322 shall be provided by the resident school district. The department shall reimburse the resident school district for the cost of transportation in accordance with section 79-3333."; in lines 16 and 18 after "transfer" insert "as an option student"; in lines 17 and 18 and line 20 strike "as an option student"; and in line 19 strike "participating" and after "which" insert "accepts option students and".

The Baack amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 843A. Mr. Baack offered the following amendment:
AM3165

1. Insert the following new sections:

"Sec. 3. That section 6, Legislative Bill

1059A, Ninety-first Legislature, Second Session, 1990, be amended to read as follows:

Sec. 6. There is hereby appropriated (1) ~~$229,108,500~~ $228,154,500 from the General Fund for FY1990-91 and (2) ~~$275,552,350~~ $274,452,350 from the General Fund for FY1991-92, to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to the State Department of Education, for Program 143, to provide state aid to public school districts pursuant to Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. If the School Foundation and Equalization Act is not in effect on January 1, 1991, there is hereby appropriated (1) $954,000 from the General Fund for FY1990-91 and (2) $1,100,000 from the General Fund for FY1991-92, to the State Department of Education, for Program 143, to provide payments to option school districts to aid in carrying out the provisions of Legislative Bill 843, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. If the School Foundation and Equalization Act remains in effect on January 1, 1991, there is hereby appropriated (1) $500,000 from the General Fund for FY1990-91 and (2) $1,000,000 from the General Fund for FY1991-92, to the State Department of Education, for Program 143, to provide payments to option school districts to aid in carrying out the provisions of Legislative Bill 843, Ninety-first Legislature, Second Session, 1990.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 6. That original section 6, Legislative Bill 1059A, Ninety-first Legislature, Second Session, 1990, is repealed.".

2. Insert underscoring to sections 1 and 2.

The Baack amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 239CA. E & R amendment, AM7187, printed separately from the Journal and referred to on page 1362 for the Forty-Fifth Day, was adopted.

Ms. Schimek renewed her pending amendment, AM3002, found in the Journal on page 1370.

PRESIDENT NICHOL PRESIDING

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Ms. Schimek withdrew her pending amendment, AM3002.

Mr. McFarland withdrew his pending amendments, AM3011 and AM3010, found in the Journal on page 1372.

Mr. Warner renewed his pending amendment, AM3023, found in the Journal on page 1381.

The Warner amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. McFarland withdrew his pending amendment, AM3178, found in the Journal on page 1627.

Mr. McFarland renewed his pending amendment, AM3197, found in the Journal on page 1646.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland withdrew his pending amendment, AM3197.

Mr. Warner offered the following amendment:
AM3288

(Amendments to E & R amendments, AM7187)

1. On page 2, line 4, after the period insert

"Coordination shall include, but not be limited to, coordination of planning, programs, academic activities, budget submissions, and, as prescribed by law, common administrative functions."; and in line 10 after the period insert "Members of the board of regents shall be residents of the State of Nebraska.".

2. On page 5, line 16, after "five" insert "to seven"; and in line 17 after "members" insert ", as prescribed by the Legislature,".

3. On page 6, line 6, after the period insert "Members of a board of trustees other than a student member shall be residents of the State of Nebraska.".

Mr. Warner moved for a call of the house. The motion prevailed with 6 ayes, 1 nay, and 42 not voting.

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chizek and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA448
Amend E & R Amendments (AM7187)
P. 6, line 2, after "Education.", strike all language through line 6.

MR. LAMB PRESIDING

Mr. Schmit and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Chambers withdrew his pending amendment, FA448.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA449
Amend AM7187

1. Page 5, line 18, following "a", insert "voting"; line 20, following the period, strike all language through "vote" in line 24.
2. Page 7, strike lines 19 through 24.
3. Page 8, strike line 1.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. McFarland moved to bracket LR 239CA until April 9, 1990.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. McFarland moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. McFarland requested a roll call vote on his motion to bracket.

Voting in the affirmative, 17:

Baack
Beck
Beyer
Byars
Elmer
Goodrich
Haberman
Hefner
Johnson, R.
Korshoj
Labedz
Lamb
McFarland
Peterson
Schellpeper
Schmit
Wesely

Voting in the negative, 24:

Abboud
Ashford
Barrett
Bernard-Stevens
Chizek
Coordsen
Crosby
Dierks
Hannibal
Hartnett
Johnson, L.
Kristensen
Landis
Langford
Lindsay
Lynch
Moore
Morrissey
Nelson
Robak
Scofield
Warner
Weihing
Withem

Present and not voting, 5:

Chambers
Hall
Pirsch
Rogers
Schimek

Excused and not voting, 3:

Conway
Smith
Wehrbein

The McFarland motion to bracket lost with 17 ayes, 24 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Schmit and Chizek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on his pending amendment, FA449.

Voting in the affirmative, 32:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Dierks
Goodrich
Hall
Hartnett
Hefner
Johnson, R.
Kristensen
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Wesely
Withem

Voting in the negative, 7:

Haberman
Hannibal
Johnson, L.
Lamb
Langford
Warner
Weihing

Present and not voting, 7:

Beyer
Coordsen
Crosby
Elmer
Korshoj
Labedz
Peterson

Excused and not voting, 3:

Schmit
Smith
Wehrbein

The Chambers amendment was adopted with 32 ayes, 7 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1124. Placed on Select File as amended.
E & R amendment to LB 1124:
AM7203

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Until January 1, 2000, each producer of ethanol shall receive a credit of twenty cents per gallon of ethanol produced in Nebraska, which credit shall be in the form of a transferable motor fuel tax credit certificate. The credit shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. No more than twenty-five million gallons of ethanol produced at a plant shall be eligible for the credit, and the credit may only be claimed by a producer for an eighty-four-month period after the first credit certificate is received. The Department of Revenue shall prescribe an application form and procedures for claiming the credit and shall adopt and promulgate rules and regulations to carry out this section.

Sec. 2. The Department of Revenue shall at the end of each calendar quarter determine (1) the amount of motor fuel tax that was not collected in the second preceding calendar quarter due to the credit provided in section 1 of this act and the exemption provided in sections 66-410 and 66-428, (2) the amount of motor fuel tax that would not have been collected in the second preceding calendar quarter if the exemption provided in sections 66-410 and 66-428 were in the amount of three cents per gallon effective until January 1, 1993, and (3) the amount by which the amount determined in subdivision (1) of this section exceeds the amount determined in subdivision (2) of this section. If the amount determined in subdivision (3) of this section is at least equal to the amount of revenue raised in the same period by one-tenth of one cent of the fuel tax imposed by sections 66-410, 66-428, and 66-605, the Tax Commissioner shall for the next succeeding calendar quarter adjust the rate of the fuel tax imposed by such sections in an amount which the Tax Commissioner estimates, based on the estimates provided to the State Board of Equalization and Assessment pursuant to section 66-476, will raise sufficient revenue to meet and not exceed the amount determined in subdivision (3) of this section, except that all such adjustments shall be in increments of one-tenth of one cent per gallon.

Sec. 3. That section 66-410, Revised Statutes Supplement, 1988, be amended to read as follows:

66-410. At the time of filing the statement required by section 66-409, such dealer shall, in addition to the tax imposed pursuant to sections 66-473, 66-477, and 66-478 and section 2 of this act and in addition to the other taxes provided for by law, pay a tax of ten and one-half cents per gallon upon all motor vehicle fuels as shown by such statement, except that there shall be no tax on the motor vehicle fuel so reported if the required taxes on the motor vehicle fuel have been paid or if the motor vehicle fuel has been sold to a licensed dealer and the seller was a licensed dealer as described in subdivision (3)(a) or (3)(b) of section 66-401 and was the importer or first receiver of such fuel in this state. ~~Effective July 1, 1985, gasoline~~ Gasoline sold in Nebraska which contains a minimum of ten percent blend of an agricultural ethyl alcohol whose purity shall be at least ninety-nine percent alcohol, excluding denaturant, produced from cereal grains or domestic agricultural commodities shall be subject to a state motor fuel tax which is ~~three cents~~ one cent per gallon less than gasoline which does not contain such a blend. Effective January 1, 1993, gasoline which contains such a blend shall be subject to the same state motor fuel tax rate as gasoline which does not contain such a blend. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 4. That section 66-428, Revised Statutes Supplement, 1988, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of ten and one-half cents per gallon, increased by the amounts imposed or determined under sections 66-473, 66-477, and 66-478 and section 2 of this act, upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under section 66-410 or Chapter 66, article 6, except that such excise tax ~~after July 1, 1985,~~ shall be one cent ~~three cents~~ per gallon less on motor vehicle fuel containing a minimum of ten percent blend of agricultural ethyl alcohol produced from cereal grains or domestic agricultural commodities whose purity shall be at least ninety-nine percent alcohol, excluding denaturant, than on motor vehicle fuel which does not contain such a blend. Effective January 1, 1993, the excise tax on such motor vehicle fuel containing such a blend shall be the same as that on such motor vehicle fuel which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 5. That section 66-474, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-474. (1) The Department of Revenue shall implement, administer, collect, and audit the tax imposed by sections 66-473, 66-477, 66-478, 66-605.02, and 66-605.03 and section 2 of this act in an efficient and effective manner. Upon receipt of the cost figures required by section 66-475, the department shall determine the statewide average cost by dividing the total amount paid for motor vehicle fuels and special fuels by the State of Nebraska, excluding any state and federal taxes, by the total number of gallons of motor vehicle fuels and special fuels purchased during the reporting period.

(2) After computing the statewide average cost as required in subsection (1) of this section, the department shall multiply such statewide average cost by the tax rate established pursuant to section 66-476.

(3) In making the computations required by subsections (1) and (2) of this section, gallonage reported shall be rounded to the nearest gallon and total costs shall be rounded to the nearest dollar. All other computations shall be made with three decimal

places, except that after all computations have been made the tax per gallon shall be rounded to the nearest one-tenth of one cent.

(4) The tax rate per gallon computed pursuant to this section shall be distributed to all licensed motor vehicle fuel dealers, special fuel dealers, and interstate motor vehicle operators who choose to be subject to sections 66-410.01 to 66-410.05 at least five days prior to the first day of any calendar quarter during which the tax is to be adjusted. Such tax rate shall be utilized in computing the tax due for the period specified by the Tax Commissioner.

Sec. 6. That section 66-605, Revised Statutes Supplement, 1989, be amended to read as follows:

66-605. In addition to the tax imposed pursuant to sections 66-605.02 and 66-605.03 and section 2 of this act, there is hereby levied and imposed an excise tax of ten and one-half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (8) of section 66-602. The tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer and be paid over to the Tax Commissioner as provided by sections 66-601 to 66-649. The tax, with respect to all special fuel delivered by a special fuel dealer into special fuel storage facilities designed or equipped to fuel motor vehicles, shall attach at the time of such delivery unless the recipient of the special fuel provides a certificate of exemption. Such tax shall be collected by the dealer and be paid over to the Tax Commissioner as provided in sections 66-601 to 66-649.

All sums of money received by the State Treasurer under this section shall be ~~placed in~~ credited to the Highway Trust Fund. Credits and refunds of such tax allowed to special fuel dealers shall be paid from the Highway Trust Fund.

Sec. 7. This act shall become operative on July 1, 1990.

Sec. 8. That original section 66-474, Reissue Revised Statutes of Nebraska, 1943, sections 66-410 and

66-428, Revised Statutes Supplement, 1988, and section 66-605, Revised Statutes Supplement, 1989, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 1, strike "ethanol" and insert "motor vehicle and special fuels" and after "amend" insert "section 66-474, Reissue Revised Statutes of Nebraska, 1943,"; in line 2 after "1988" insert ", and section 66-605, Revised Statutes Supplement, 1989"; and strike beginning with "eliminate" in line 5 through "alcohol" in line 7 and insert "provide for adjustments to the rates of taxes on motor vehicle and special fuels; to harmonize provisions".

(Signed) John C. Lindsay, Chairperson

MESSAGE FROM THE GOVERNOR

April 2, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 272A was received in my office on March 29, 1990.

This bill was signed by me on April 2, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:gkl

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1090 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3297.)

Mr. Haberman asked unanimous consent to print the following amendment to LB 1059 in the Journal. No objections. So ordered.

AM3291

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 35. That section 77-27,132, Revised Statutes Supplement, 1989, be amended to read as follows:

77-27,132. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers, except that commencing July 1, 1990, or on the operative date of this section, whichever is later, the amount derived from a sales and use tax rate of one percent on sales of motor vehicles, trailers, and semitrailers shall be appropriated to the technical community colleges for distribution pursuant to section 79-2651 and Laws 1990, LB 143. The balance of the amounts so paid shall be credited to the General Fund.".

2. On page 1, line 7, after the second comma insert "77-27,132,".

3. On page 2, line 8, after the semicolon insert "to change the distribution of the sales and use taxes as prescribed;".

4. On page 63, line 12, after the last comma insert "77-27,132,".

5. Renumber the remaining sections accordingly.

Messrs. Wesely, McFarland, Hall, and Korshoj asked unanimous consent to print the following amendment to LB 431 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3284.)

SELECT FILE

LEGISLATIVE RESOLUTION 239CA. Ms. Schimek offered the following amendment:
FA450
Amend AM7187
1. On page 3, line 3. Insert the word "appointed" before "members" and strike "initially appointed" on line 4.
2. On page 6, line 12. Insert the word "appointed" before "members" and strike "initially appointed".

Messrs. Chizek, Ashford, Lynch, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Messrs. Barrett and Baack asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Chambers requested a roll call vote on the Schimek amendment.

Voting in the affirmative, 13:

Abboud
Chambers
Hall
Hartnett
Johnson, R.
Korshoj
Lindsay
Morrissey
Nelson
Robak
Schellpeper
Schimek
Wesely

Voting in the negative, 21:

Bernard-Stevens
Beyer
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Kristensen
Lamb
Landis
Langford
McFarland
Moore
Scofield
Warner
Weihing
Withem

Present and not voting, 6:

Beck
Byars
Hannibal
Peterson
Pirsch
Rogers

Excused and not voting, 9:

Ashford
Baack
Barrett
Chizek
Labedz
Lynch
Schmit
Smith
Wehrbein

The Schimek amendment lost with 13 ayes, 21 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA451

Amend E & R Amendments (AM7187)

P. 6, line 2, after "Education.", strike all language through "responsibilities" on line 6.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Abboud
Chambers
Korshoj
Lindsay
McFarland
Morrissey
Schimek

Voting in the negative, 12:

Beck
Hall
Hannibal
Johnson, L.
Kristensen
Landis
Langford
Moore
Pirsch
Warner
Weihing
Wesely

Present and not voting, 20:

Ashford
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hartnett
Johnson, R.
Nelson
Peterson
Robak
Rogers
Schellpeper
Scofield
Withem

Excused and not voting, 10:

Baack
Barrett
Chizek
Hefner
Labedz
Lamb
Lynch
Schmit
Smith
Wehrbein

The Chambers amendment lost with 7 ayes, 12 nays, 20 present and not voting, and 10 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendments to LB 866 in the Journal. No objections. So ordered.

(1)

AM3303

1. Insert the following new sections:

"Section 1. That section 77-2701.01, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax levied pursuant to section 77-2715 shall be three and ~~fifteen-hundredths~~ seventy-hundredths percent.

Sec. 10. That original section 77-2701.01, Revised Statutes Supplement, 1988, is repealed.".

2. On page 7, line 11, strike "This" and insert "Sections 2 to 7 and 11 of this"; and in line 12 after the period insert "Sections 1 and 10 of this act shall become operative for all taxable years beginning

or deemed to begin on or after January 1, 1990, under the Internal Revenue Code of 1986, as amended. The other sections of this act shall become operative on their effective date.".

(2)

AM3301

1. Insert the following new sections:

"Section 1. That section 77-2701.01, Revised Statutes Supplement, 1988, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax levied pursuant to section 77-2715 shall be three and ~~fifteen-hundredths~~ forty-three-hundredths percent.

Sec. 2. That section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2701.02. Pursuant to section 77-2715.01, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one-half percent.

Sec. 11. That original section 77-2701.01, Revised Statutes Supplement, 1988, is repealed.

Sec. 12. That original section 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 7, line 11, strike "This" and insert "Sections 3 to 8 and 13 of this"; and in line 12 after the period insert "Sections 1 and 11 of this act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1990, under the Internal Revenue Code of 1986, as amended. Sections 2 and 12 of this act shall become operative on July 1, 1990. The other sections of this act shall become operative on their effective date.".

(3)

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3306.)

(4)

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3310.)

MOTION - Suspend Rules

Mr. Barrett moved to suspend Rule 6, Section 6, Rule 6, Section 7, Rule 6, Section 8, Rule 7, Section 3, and Rule 7, Section 7, and vote on the final passage of LBs 880, 880A, 1004, 1004A, 1080, 1080A, 1184E, 1184AE, 656, 1146E, 42, 42A, 799E, 1019, 1019A, 1059, 1059A, 1136, 1222, and 1222A without further amendment, motion, or debate.

Laid over.

VISITORS

Visitors to the Chamber were five seniors and teacher from Norfolk; 37 eighth grade students and teachers from St. Margaret Mary, Omaha; Christy Weidner, Christy Mizner, and Heidi Braun from Springview; and Pat Engel from South Sioux City.

MOTION - Adjournment

Mr. Haberman moved to adjourn until 8:00 a.m., April 3, 1990.

Mr. Hall requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 21:

Ashford
Bernard-Stevens
Beyer
Byars
Chambers
Coordsen
Crosby
Dierks
Elmer
Haberman
Hartnett
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Moore
Rogers
Scofield
Warner
Withem

Voting in the negative, 16:

Abboud
Beck
Conway
Goodrich
Hall
Johnson, R.
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Weihing
Wesely

Present and not voting, 2:

Hannibal
Lindsay

Excused and not voting, 10:

Baack Chizek Labedz Lynch Smith
Barrett Hefner Lamb Schmit Wehrbein

The Haberman motion to adjourn prevailed with 21 ayes, 16 nays, 2 present and not voting, and 10 excused and not voting, and at 6:03 p.m., the Legislature adjourned until 8:00 a.m., Tuesday, April 3, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 3, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 3, 1990

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Dan Flanagan, St. Paul United Methodist Church, Lincoln, Nebraska.

PRESIDENT NICHOL PRESIDING

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Byars, Haberman, Hall, R. Johnson, Morrissey, Wehrbein, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Sixth Day was approved.

MOTION - Overrule Speaker's Agenda

Mrs. Labedz and Mr. Schmit moved to change the Speaker's agenda by considering the Labedz rules suspension motion.

Mrs. Langford asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 7 nays, and 28 not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on the Labedz-Schmit motion to overrule the Speaker's agenda.

Voting in the affirmative, 27:

Ashford
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hartnett
Johnson, R.
Korshoj
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Pirsch
Robak
Rogers
Schmit
Weihing
Withem

Voting in the negative, 15:

Baack
Barrett
Chambers
Goodrich
Hall
Hannibal
Hefner
Kristensen
Morrissey
Nelson
Schellpeper
Schimek
Scofield
Smith
Warner

Present and not voting, 5:

Johnson, L.
Labedz
Peterson
Wehrbein
Wesely

Excused and not voting, 2:

Abboud
Haberman

The Labedz-Schmit motion to overrule the Speaker's agenda lost with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

AM3097

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature recognizes that:

(1) Nebraska's vast ground water resources are of immeasurable value to the social, environmental, and economic well-being of the citizens of the state;

(2) While Nebraska's ground water resources are generally of high quality, there has been a significant degradation of water quality in some areas of the state;

(3) In any area of the state which is experiencing or is likely to experience ground water quality problems, the natural resources district should take action to enhance and maintain the water quality, whether or not the area has been designated a special ground water quality protection area; and

(4) Funding assistance should be provided to those areas of the state that are experiencing or are likely to experience significant ground water quality problems.

Sec. 2. There is hereby created the Ground Water Quality Maintenance Fund which shall be administered by the department. The fund shall be used:

(1) To receive any state funds or federal or other funds transferred to the state for enhancing or maintaining the quality of ground water in the state;

(2) To provide funds to the natural resources districts, on a matching-fund basis, to aid their efforts to enhance or maintain ground water quality; and

(3) To provide funds to the department for its

expenses in administering the fund.

No district shall be allocated more than ten percent of the money available in the fund in any fiscal year.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. (1) The council shall adopt and promulgate rules and regulations establishing guidelines and standards:

(a) For the training and certification of natural resources district personnel related to ground water sampling; and

(b) For the laboratory analysis of water samples collected by the districts to provide for quality assurance and uniform documentation of water quality data.

(2) The department shall:

(a) Provide training and technical assistance to the natural resources districts in identifying areas that are experiencing or are likely to experience ground water quality problems;

(b) Develop guidelines for ground water sampling;

(c) Provide training and certification of district personnel in proper water sampling techniques;

(d) Administer the Ground Water Quality Maintenance Fund, including approving plans submitted by the districts; and

(e) Provide testing of water samples collected by the districts and forwarded to the department to provide for quality assurance and uniform documentation of water quality data.

Sec. 4. In order for a natural resources district to receive money from the Ground Water Quality Maintenance Fund, the district shall:

(1) Submit to the department a comprehensive plan (a) identifying the area or areas in the district which are experiencing or are likely to experience ground water quality problems, (b) detailing the scope of the district's proposed water sampling and testing program, and (c) identifying the potential measures the district may implement to enhance or maintain the water quality in the area pursuant to the Nebraska Ground

Water Management and Protection Act or identifying potential alternate water supplies for municipal or rural domestic use;

(2) Agree to use trained personnel certified by the department in proper water sampling techniques;

(3) Agree to utilize the department's laboratory, the Department of Health's laboratory, or a laboratory which complies with standards set pursuant to section 3 of this act;

(4) Agree to provide documentation of water quality data in a format consistent with department guidelines and data management needs; and

(5) Provide at least twenty-five percent of the funding necessary to implement the plan.

Sec. 5. That section 81-1532, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1532. Sections 81-1501 to 81-1533 and sections 1 to 4 of this act shall be known and may be cited as the Environmental Protection Act.

Sec. 6. That original section 81-1532, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

MOTION - Reconsider Action on Overruling the Speaker's Agenda

Mrs. Labedz moved to reconsider her motion to change the Speaker's agenda.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Labedz motion to reconsider prevailed with 26 ayes, 12 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Overrule Speaker's Agenda

The Labedz-Schmit motion to change the Speaker's agenda by considering the Labedz rules suspension motion, was reconsidered.

Mr. McFarland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Labedz moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mrs. Labedz requested a roll call vote on the Labedz-Schmit motion to overrule the Speaker's agenda.

Voting in the affirmative, 30:

Ashford
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hartnett
Johnson, R.
Korshoj
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Pirsch
Robak
Rogers
Schmit
Wehrbein
Withem

Voting in the negative, 16:

Baack
Barrett
Hall
Hannibal
Hefner
Johnson, L.
Kristensen
Morrissey
Nelson
Schellpeper
Schimek
Scofield
Smith
Warner
Weihing
Wesely

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Abboud
Haberman

The Labedz-Schmit motion to overrule the Speaker's agenda prevailed with 30 ayes, 16 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Reconsider Action on Overruling the Speaker's Agenda

Mr. Chambers moved to reconsider their action on the vote to change the Speaker's agenda.

SPEAKER BARRETT PRESIDING

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Chambers motion to reconsider lost with 4 ayes, 26 nays, 18 present and not voting, and 1 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Suspend Rules

Mrs. Labedz and Mr. Schmit moved to suspend the rules, Rule 6, Section 3 and Rule 7, Sections 3 and 7 and place LBs 976, 854, 1062, 1062A, 1151, 989, 989A, 866, and 866A on Select File without amendment or debate.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Labedz moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mrs. Labedz requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 30:

Abboud
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hartnett
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Pirsch
Robak
Rogers
Schmit
Wehrbein
Withem

Voting in the negative, 15:

Ashford
Baack
Barrett
Hall
Hannibal
Hefner
Landis
Nelson
Schellpeper
Schimek
Scofield
Smith
Warner
Weihing
Wesely

Present and not voting, 2:

Chambers
Johnson, L.

Excused and not voting, 2:

Haberman
Morrissey

The Labedz-Schmit motion to suspend the rules and place LBs 976, 854, 1062, 1062A, 1151, 989, 989A, 866, and 866A on Select File prevailed with 30 ayes, 15 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Reconsider Action on Motion to Suspend Rules

Mr. Chambers moved to reconsider the Labedz-Schmit motion to suspend the rules.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 11:

Ashford
Baack
Barrett
Chambers
Landis
Nelson
Schimek
Scofield
Smith
Warner
Weihing

Voting in the negative, 34:

Abboud
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Pirsch
Robak
Rogers

Schellpeper	Schmit	Wehrbein	Wesely	Withem

Present and not voting, 2:

Hannibal	Korshoj

Excused and not voting, 2:

Haberman	Morrissey

The Chambers motion to reconsider the Labedz-Schmit motion lost with 11 ayes, 34 nays, 2 present and not voting, and 2 excused and not voting.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Overrule Speaker's Agenda

Mr. Chambers moved to change the Speaker's order to consider the Chambers suspension motion.

Pending.

VISITORS

Visitors to the Chamber were 44 fourth grade students and teacher from Wakonda School, Omaha; Vern and Fern Shamburg from Fairbury; 75 fourth grade students and teachers from Gretna; 20 third and fourth grade students and teacher from Trinity Christian, Omaha; 15 seniors, teacher, and superintendent from Gothenburg; 45 fourth grade students and teachers from Mockingbird, Omaha; and Ruth Liedle and Bev Owens from Lincoln.

RECESS

Mr. Bernard-Stevens moved to recess until 1:30 p.m. The motion prevailed with 18 ayes, 9 nays, 19 present and not voting, and 3 excused and not voting, and at 11:52 a.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Coordsen, Dierks, Haberman, Hall, Hartnett, Korshoj, McFarland, Mmes. Beck, Labedz, Pirsch, and Smith who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 417. Introduced by Baack, 47th District.

WHEREAS, the week commencing June 3, 1990, has been designated by the National Management Association as Management Week; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers: and

WHEREAS, the management profession has significantly contributed to the strength and vitality of this country's economy and in the future such skills will be particularly essential in efforts to strengthen the economy of the State of Nebraska; and

WHEREAS, the Nebraska State Government Chapter of the National Management Association was chartered in 1984 with 25 members and now has over 240 members representing most of the agencies of state government, including the Legislative Council; and

WHEREAS, the Nebraska State Government Chapter will join with the Omaha State Government Chapter of the National Management Association, the Human Resources Management Association, and other private and public sector managers nationwide to honor the role and achievements of managers in society during Management Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby declares the week commencing June 3, 1990, as Management Week in Nebraska and calls upon the citizenry to recognize and participate in the observance of this worthy occasion.

2. That a copy of this resolution be delivered to Helen Griffin, President of the Nebraska State Government Chapter of the National

Management Association with the request that it be shared with the officers of the other participating chapters..

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 431A in the Journal. No objections. So ordered.

AM3326

1. Strike the original sections and insert the following new sections:

"Section 1. That section 87-302, Revised Statutes Supplement, 1988, be amended to read as follows:

87-302. (a) A person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation, he or she:

(1) Passes off goods or services as those of another;

(2) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;

(4) Uses deceptive representations or designations of geographic origin in connection with goods or services;

(5) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he or she does not have;

(6) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand, except that sellers may repair damage to and make adjustments on or replace parts of otherwise new goods in an effort to place such goods in compliance with factory specifications;

(7) Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of

another;

(8) Disparages the goods, services, or business of another by false or misleading representation of fact;

(9) Advertises goods or services with intent not to sell them as advertised;

(10) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

(12) Uses or promotes the use of a chain distributor scheme in connection with the solicitation of business or personal investments from members of the public;

(13) With respect to a sale or lease to a natural person of goods or services purchased or leased primarily for personal, family, household, or agricultural purposes, uses or employs any referral or chain referral sales technique, plan, arrangement, or agreement; ~~or~~

(14) Connects or operates an automatic dialing-announcing device for advertising purposes unless there is in force with respect to such device a current permit issued pursuant to sections 87-308 to 87-311; or

(15) Intentionally transmits an unsolicited electronic or telephonic transmission to a facsimile device for advertising purposes without the receiver's prior, express permission.

(b) In order to prevail in an action under sections 87-301 to 87-306, a complainant need not prove competition between the parties.

(c) This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

Sec. 2. That section 87-303.08, Revised Statutes Supplement, 1988, be amended to read as follows:

87-303.08. Any person who violates subdivision (a)(14) or (a)(15) of section 87-302 or sections 87-308 to 87-312 shall be guilty of a Class II misdemeanor except as otherwise provided in such sections. Any person who violates any of the other provisions of section 87-302 or 87-303.01 shall be guilty of a Class III misdemeanor.

Sec. 3. That section 87-307, Revised Statutes Supplement, 1988, be amended to read as follows:

87-307. ~~As used in~~ For purposes of sections 87-302, 87-303.08, and 87-307 to 87-312, unless the context otherwise requires:

(1) Advertising purposes shall mean all representations ~~disseminated automatically on an automatic dialing-announcing device~~ intended or likely to induce the purchase or use of any product, ~~or~~ concept, or service or to solicit a contribution to any group, organization, or committee;

(2) Automatic dialing-announcing device shall mean a device which selects and dials telephone numbers and automatically plays a recorded ~~advertising~~ message for advertising purposes; ~~and~~

(3) Facsimile device shall mean any machine that receives and copies reproductions or facsimiles of documents or photographs that have been transmitted electronically or telephonically over telecommunications lines; and

(4) Person shall mean any individual, corporation, governmental agency or subdivision, partnership, company, association, or any other legal or commercial entity.

Sec. 4. That original sections 87-302, 87-303.08, and 87-307, Revised Statutes Supplement, 1988, are repealed.".

MOTION - Suspend Rules

Mr. Barrett renewed his pending motion, found in the Journal on page 1811, to suspend Rule 6, Section 6, Rule 6, Section 7, Rule 6, Section 8, Rule 7, Section 3, and Rule 7, Section 7, and vote on the final passage of LBs 880, 880A, 1004, 1004A, 1080, 1080A, 1184E, 1184AE, 656, 1146E, 42, 42A, 799E, 1019, 1019A, 1059, 1059A, 1136, 1222, and 1222A without further amendment, motion, or debate.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Moore requested a roll call vote on the Barrett motion to suspend the rules.

Voting in the affirmative, 39:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 8:

Ashford
Beyer
Chambers
Hall
Hannibal
Lamb
Schimek
Smith

Present and not voting, 1:

Peterson

Excused and not voting, 1:

Haberman

The Barrett motion to suspend the rules prevailed with 39 ayes, 8 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 880.

A BILL FOR AN ACT relating to courts; to amend section 5-105, Reissue Revised Statutes of Nebraska, 1943; to increase the number of judges of the district court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Warner
Weihing
Withem

Voting in the negative, 7:

Chambers
Coordsen
Korshoj
Morrissey
Schimek
Smith
Wesely

Present and not voting, 2:

Hannibal
Scofield

Excused and not voting, 3:

Haberman
Lynch
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 880A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 880, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Warner
Weihing
Withem

Voting in the negative, 3:

Chambers
Korshoj
Wesely

Present and not voting, 6:

Crosby
Peterson
Schimek
Scofield
Smith
Langford

Excused and not voting, 3:

Haberman
Lynch
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT relating to pseudorabies; to amend sections 54-2202, 54-2208, 54-2221, and 54-2223 to 54-2234, Reissue Revised Statutes of Nebraska, 1943, and sections 54-701.02 and 54-2201, Revised Statutes Supplement, 1989; to rename an act; to define and redefine terms; to provide a pseudorabies eradication and control program; to provide for an advisory committee; to provide for rules and regulations; to change provisions relating to expenses of testing; to provide a penalty; to eliminate a definition; to eliminate provisions relating to the development of an eradication plan; to harmonize provisions: to provide an operative date; and to repeal the original sections, and also section 54-2207, Reissue Revised Statutes of Nebraska, 1943, and section 54-2221.01, Revised Statutes Supplement, 1989.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Abboud
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Langford
Moore
Morrissey
Rogers
Schmit
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 11:

Beck
Johnson, R.
Korshoj
Lindsay
McFarland
Nelson
Pirsch
Robak
Schellpeper
Schimek
Smith

Present and not voting, 5:

Chambers
Hannibal
Hartnett
Peterson
Scofield

Excused and not voting, 3:

Ashford
Haberman
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the .question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Moore
Morrissey
Rogers
Schimek
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 7:

Beck
Korshoj
Lindsay
McFarland
Pirsch
Robak
Schellpeper

Present and not voting, 6:

Chambers
Hartnett
Langford
Nelson
Peterson
Scofield

Excused and not voting, 3:

Ashford
Haberman
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1080.

A BILL FOR AN ACT relating to health care; to amend sections 71-1,258, 71-1,260, 71-2052, 71-6038, and 71-6039, Revised Statutes Supplement, 1988, and section 71-2017.01, Revised Statutes Supplement, 1989; to change certification provisions for social workers; to provide for waiver of staffing requirements for skilled nursing facilities as prescribed; to change provisions for courses of training and instruction for care staff members and nursing assistants; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Johnson, R.
Lindsay
Moore

Excused and not voting, 3:

Ashford
Haberman
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1080A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1080, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby

Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Johnson, R.
Langford
Lindsay
Moore

Excused and not voting, 2:

Haberman
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1184. With Emergency.

A BILL FOR AN ACT relating to airlines; to adopt the Nebraska State Airline Authority Act: and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 6:

Goodrich
Langford
Lindsay
Moore
Schmit

Warner

Present and not voting, 1:

Hannibal

Excused and not voting, 2:

Haberman
Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1184A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1184, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely

Voting in the negative, 5:

Goodrich
Langford
Lindsay
Schmit
Warner

Present and not voting, 4:

Crosby
Hannibal
Moore
Withem

Excused and not voting, 2:

Haberman
Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Messrs. Kristensen and Morrissey asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 656.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-303.09. 87-303.10, and 87-306, Reissue Revised Statutes of Nebraska. 1943. and section 87-303.08, Revised Statutes Supplement. 1988; to adopt the Membership Campground Act; to change and provide penalty provisions for the Uniform Deceptive Trade Practices Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 5:

Johnson, R.
Korshoj
Moore
Schmit
Warner

Excused and not voting, 3:

Haberman
Lynch
Morrissey

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1146. With Emergency.

A BILL FOR AN ACT relating to financial institutions; to amend sections 72-1263 and 72-1269, Reissue Revised Statutes of Nebraska, 1943, sections 8-903 and 77-2326.01, Revised Statutes Supplement, 1988, and sections 77-2321, 77-2326.04, 77-2326.08, and 77-2326.09, Revised Statutes Supplement, 1989; to change restrictions on certain bank holding companies and other companies as prescribed; to provide requirements for the deposit or redeposit of public funds in certain subsidiary banks as prescribed; to change provisions relating to the substitution of securities by depositories of public funds; to define and redefine terms; to provide for the deposit of public funds of county judges and clerks of the county court; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Warner

Present and not voting, 4:

Byars
Hannibal
Korshoj
Schimek

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to the Supreme Court; to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salaries as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Nelson
Robak
Rogers
Schellpeper
Schimek
Schmit
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 10:

Chambers
Johnson, L.
Korshoj
Lamb
Langford
Morrissey
Peterson
Scofield
Smith
Warner

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 42A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 42, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Nelson
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 8:

Chambers
Johnson, L.
Korshoj
Lamb
Langford
Peterson
Scofield
Warner

Present and not voting, 1:

Morrissey

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 799. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-669.07, 39-669.08, 39-669.09, 39-669.11, and

39-669.14, Reissue Revised Statutes of Nebraska, 1943; to provide that a person convicted of driving under the influence of alcoholic liquor or drugs may be required to attend a drug treatment program; to provide for implied consent to a chemical test for the presence of drugs as prescribed; to provide for the admission into evidence of the refusal to submit to tests as prescribed; to eliminate a provision providing for a choice of tests; to harmonize provisions; to repeal the original sections: and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Korshoj
Moore

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1019.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.09 and 81-1201.20, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1201.07 and 81-1201.10, Revised Statutes Supplement, 1989; to provide for creation of the International Trade Office Division in the Department of Economic Development; to provide powers and duties; to state intent; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schmit
Scofield
Weihing
Wesely
Withem

Voting in the negative, 8:

Crosby
Hannibal
Johnson, L.
Lamb
Langford
Schimek
Smith
Warner

Present and not voting, 3:

Korshoj
Peterson
Wehrbein

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1019A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1019, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Beck
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, R.
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Robak
Schellpeper
Schimek
Schmit
Scofield
Smith
Weihing
Wesely
Withem

Voting in the negative, 5:

Crosby
Hannibal
Johnson, L.
Lamb
Langford

Present and not voting, 7:

Barrett
Bernard-Stevens
Korshoj
Peterson
Rogers
Warner
Wehrbein

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1059. With Emergency.

A BILL FOR AN ACT relating to school financing; to amend sections 77-2701.02, 79-201.09, 79-470, 79-490, 79-12,145, 79-1369, and 79-2317, Reissue Revised Statutes of Nebraska, 1943, sections 77-678 and 77-2701.01, Revised Statutes Supplement, 1988, and sections 72-1237.01, 77-2715.02, 79-451, and 79-4,102, Revised Statutes Supplement, 1989; to adopt the Tax Equity and Educational Opportunities Support Act; to define terms; to limit property tax increases for certain political subdivisions as prescribed; to provide for an election; to provide a termination date; to increase the income tax rate; to increase the sales tax rate; to change a provision relating to income tax rate schedules; to provide for the contents of a report; to eliminate the School Foundation and Equalization Act; to eliminate certain funds; to eliminate the School Financing Review Commission; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 79-1332, 79-1332.01, 79-1333.01, 79-1334, 79-1336 to 79-1340, 79-1342 to 79-1344.01, and 79-1368, Reissue Revised Statutes of Nebraska, 1943, sections 79-1335, 79-1344.03, 79-1380, and 79-1381, Revised Statutes Supplement, 1988, and sections 79-1330, 79-1331, 79-1333, 79-1333.02, 79-1344.02, 79-1378, 79-1379, 79-1382, 79-1383, Revised Statutes Supplement, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
Lindsay
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 15:

Abboud
Ashford
Beck
Chambers
Goodrich
Hannibal
Kristensen
Labedz
Lamb
Langford
McFarland
Peterson
Robak
Schmit
Wesely

Present and not voting, 1:

Crosby

Excused and not voting, 3:

Haberman
Lynch
Pirsch

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 30:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
Lindsay
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 16:

Abboud
Ashford
Beck
Chambers
Crosby
Goodrich
Hannibal
Kristensen
Labedz
Lamb
Langford
McFarland
Peterson
Robak
Schmit
Wesely

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1059A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1989, LB 813, section 16; to change certain appropriations as prescribed; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990; to state intent; to repeal the original section; and to declare an emergency.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
Lindsay
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 13:

Abboud
Beck
Chambers
Crosby
Goodrich
Kristensen
Labedz
Lamb
Langford
Peterson
Robak
Schmit
Wesely

Present and not voting, 2:

Hannibal
McFarland

Excused and not voting, 4:

Ashford
Haberman
Lynch
Pirsch

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
Lindsay
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 14:

Abboud
Beck
Chambers
Goodrich
Hannibal
Kristensen
Labedz
Lamb
Langford
McFarland

Peterson Robak Schmit Wesely

Present and not voting, 1:

Crosby

Excused and not voting, 4:

Ashford Haberman Lynch Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 1136.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3,132, 44-4230, 60-574, 60-578, and 68-1030, Reissue Revised Statutes of Nebraska, 1943, and sections 44-2402, 44-4103, 44-4210, 44-4220, 44-4222, 44-4227, 44-4228, 44-4726, 44-4802, and 71-2069, Revised Statutes Supplement, 1989; to adopt the Health Maintenance Organization Act; to adopt the Motor Vehicle Service Contract Reimbursement Insurance Act; to adopt the Managing General Agents Act; to define and redefine terms; to change provisions relating to the Comprehensive Health Insurance Pool to provide coverage for persons who received medicaid assistance, change rate provisions, and provide for a right of subrogation; to change provisions relating to maximum liability for underinsured motorist coverage; to provide for the confidentiality of certain information and records of preferred providers and health care review committees as prescribed; to prohibit a restriction in medical benefit contracts regarding reimbursement for prescription drugs as prescribed; to provide a duty for the Revisor of Statutes; to eliminate the Model Health Maintenance Organization Act and provisions relating to service contracts; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 44-3201 to 44-3210, 44-3213 to 44-3230, 44-3232, 44-3234, 44-3235, 44-3237, 44-3238, 44-3240 to 44-3243, 44-3245, 44-3246, 44-3248 to 44-3254, 44-3258 to 44-3262, 44-3264 to 44-3269, 44-3271 to 44-3275, 44-3278 to 44-3284, 44-3286 to 44-3291, and 44-3504 to 44-3518, Reissue Revised Statutes of Nebraska, 1943, and sections 44-3211, 44-3231, 44-3233, 44-3236, 44-3239, 44-3244, 44-3247, 44-3263, 44-3270, 44-3276, 44-3277, 44-3285, 44-3501 to 44-3503, and 44-3519, Revised Statutes Supplement, 1989.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Byars
Chambers

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1222.

A BILL FOR AN ACT relating to infants; to amend sections 28-726, 43-272.01, 43-1301, 43-1302, 43-1303, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314, and 71-1904, Reissue Revised Statutes of Nebraska, 1943, section 71-1902, Revised Statutes Supplement, 1988, and section 43-285, Revised Statutes Supplement, 1989; to authorize the release of certain records to the State Foster Care Review Board; to provide and change powers and duties for guardians ad litem, the State Foster Care Review Board, local foster care review boards, and the Department of Social Services; to provide for the admissibility of certain evidence in proceedings concerning juveniles; to limit liability; to redefine terms; to change provisions relating to membership on the State Foster Care Review Board; to provide for review of certain additional foster care placements; to change provisions relating to review hearings; to provide a penalty; to require training in foster care as prescribed; to require the department to defray expenses as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Morrissey
Nelson
Peterson
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Warner

Present and not voting, 3:

Conway
Hannibal
Moore

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1222A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1222, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robak
Wehrbein

Excused and not voting, 3:

Haberman
Lynch
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 418. Introduced by Judiciary Committee: Chizek, 31st District, Chairperson.

PURPOSE: The citizens of the State of Nebraska are affected by the decisions of judges. The citizens have a right to meaningful input into the selection, appointment, and confirmation of judicial appointments. The purpose of this resolution is to study the current selection, appointment, and confirmation process and to propose changes to such process which the committee deems necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1113. Placed on Select File as amended.
E & R amendment to LB 1113:
AM7204

1. On page 1, line 10, after the semicolon insert “to require that certain new structures be accessible to and usable by handicapped persons as prescribed;”.

2. On page 2, strike beginning with “to” in line 1 through the semicolon in line 2; in line 6 after “sections” insert “18-1745 to 18-1747,”; in line 8 strike “and”; and in line 9 after “1988” insert “, and section 18-1744, Revised Statutes Supplement, 1989”.

3. On page 4, lines 7 and 8, strike “the State of” and show as stricken.

4. On page 5, line 10, after the first comma insert “6.”.

5. On page 7, line 10, strike “unfair” and insert “discriminatory”.

6. On page 8, line 4, strike the comma and show as stricken; and in line 5 strike the first comma and show as stricken.

7. On page 15, line 25; and page 16, line 3, strike the second comma and show as stricken.

8. On page 18, line 15, strike “subdivisions” and insert “subdivision”.

9. On page 30, line 17, after “copy” insert “of the charge”.

10. On page 36, line 6, strike “section” and insert “subsection”.

11. On page 39, line 6, after “the” insert “district” and strike “of appeals”; and in line 11 strike “petition for review” and insert “appeal”.

12. On page 40, line 15, strike "a" and insert "the appropriate".

13. On page 41, line 22, strike "15" and insert "14".

14. On page 49, line 10, strike "except" and insert "subject to section 19 of this act for complaints under the Nebraska Fair Housing Act." and strike "that all", show as stricken, and insert "All".

15. On page 54, line 3, strike "a term", show as stricken, and insert "terms".

LEGISLATIVE BILL 1113A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 1064 and 1064A.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 1064

The following changes, required to be reported for publication in the Journal, have been made:
ER6293

1. In the Lindsay et al. amendment, AM3207, section 1 has been renumbered as section 31 and underscored, section 2 has been renumbered as section 32, and section 3 has been struck.

2. In the E & R amendment, AM7145, on page 3, line 4 "line" has been struck; in line 9 "and" has been struck and "and 71-6023.01," has been inserted after the first comma; in line 20 "to require long-term care hospitals to meet conditions relating to retention of medicaid residents; to authorize special care providers to perform routine health care maintenance procedures for individuals with developmental disabilities; to define terms;" has been inserted after the semicolon; in line 21 the first "and" has been struck and "to provide severability;" inserted; and in line 23 "; and to declare an emergency" has been inserted after "1943".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM3154.)

Mr. Hartnett asked unanimous consent to print the following amendment to LB 953A in the Journal. No objections. So ordered.

AM3335

(Amendments to Final Reading copy)

1. Strike the original section and insert the following new sections:

"Section 1. That section 25, Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990, be amended to read as follows:

Sec. 25. For purposes of sections 25 to 28 of this act:

(1) Adopted budget statement shall have the definition found in section 13-503;

(2) Base year shall mean fiscal year 1989-90;

(3) Fiscal year shall have the definition found in section 13-503;

(4) Governing body shall have the definition found in section 13-503, except that governing body shall not include a school board or board of education of a school district and shall not include the board of trustees of any sanitary and improvement district during the first sixty months after the judgment of the district court creating the sanitary and improvement district;

(5) Growth shall mean any property tax revenue received as the result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any personal property not listed for taxation in the previous year but shall not include any increased property tax revenue received due to a change in valuation of a class or subclass of property or to revaluations of individual properties; and

(6) Property taxes shall mean all revenue received from the levy of taxes on real and personal property, including receipts from reimbursements under sections 77-3523 and 77-4205, but shall not include

property taxes collected for retirement of bonded indebtedness or for projects and practices in accordance with section 2-3229 and necessary works incident to such projects and practices or, for all fiscal years after ~~fiscal year 1990-91~~ the base year, revenue received as a result of growth.

Sec. 2. That section 26, Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990, be amended to read as follows:

Sec. 26. (1) Except as provided in subsection (2) of this section and sections 27 and 28 of this act, no governing body shall adopt a budget statement pursuant to section 13-506 or pursuant to the charter or ordinance of a city with a home rule charter in which the anticipated receipts from property taxes, for any fiscal year beginning with fiscal year 1990-91, exceed the receipts from property taxes for the base year compounded annually at the rate of four percent for each fiscal year.

(2) If a governing body has bargained or contracted for or otherwise made salary commitments regarding salaries for fiscal year 1990-91 which would result in a budget statement including such salary commitments in which the anticipated receipts from property taxes for fiscal year 1990-91 would exceed the limit prescribed by subsection (1) of this section, then the dollar amount by which such salary commitments cause such budget statement to exceed the limit prescribed by such subsection shall be exempt from the computation of such limit. For purposes of this subsection, salaries shall include only those salaries which are subject to adjustment by long-term collective bargaining agreements or contracts entered into or resolutions adopted by a governing body.

(3) For political subdivisions that ~~consolidate~~ have annexed additional property or consolidated at any time within the base year or will consider their first consolidated budgets after the operative date of this section, the percentage increase shall be computed based on the combined receipts from property taxes of each subdivision in the fiscal year immediately preceding consolidation.

Sec. 3. That original sections 25 and 26, Legislative Bill 1059, Ninety-first Legislature, Second

Session, 1990, are repealed.".

2. On page 1, strike beginning with "appropriations" in line 1 through line 4 and insert "political subdivisions; to amend sections 25 and 26, Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990; to redefine terms; to change provisions relating to limitations on budgets as prescribed; and to repeal the original sections.".

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Board of Public Roads Classifications and Standards
Marvin Athey
William Lindholm
Robert Stutzman

Voting aye: Senators Lamb, Beyer, Byars, Peterson, and Schellpeper. Voting nay: None. Absent: Senators Goodrich, Rogers, Robak.

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Motor Vehicle Industry Licensing Board
Mike Gorges

Voting aye: Senators Lamb, Beyer, Byars, Peterson, and Schellpeper. Voting nay: None. Absent: Senators Goodrich, Rogers, Robak.

(Signed) Howard Lamb, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 1059 and 1059A.

(Signed) John C. Lindsay, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 880, 880A, 1004, 1004A, 1080, 1080A, 1184, 1184A, 656, 1146, 42, 42A, 799, 1019, 1019A, 1059, 1059A, 1136, 1222, and 1222A.

MOTION - Overrule Speaker's Agenda

The pending Chambers motion, found in the Journal on page 1821, to change the Speaker's order to consider the Chambers suspension motion, was renewed.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to overrule the Speaker's agenda lost with 3 ayes, 16 nays, 26 present and not voting, and 4 excused and not voting.

Mr. Hall moved to overrule the agenda to consider Select File as found on Monday, April 2, 1990, agenda ahead of Item 9 (1990 Committee Priority Bills on General File) on today's agenda, April 3, 1990.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

The Hall motion to overrule the Speaker's agenda prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 239CA. Mr. Withem asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 1141. Mr. Warner asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 1141A. Mr. Warner asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 958. Advanced to E & R for engrossment.
LEGISLATIVE BILL 571A. Advanced to E & R for engrossment.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1246. E & R amendment, AM7198, found in the Journal on page 1597 for the Fifty-Second Day, was adopted.

Mr. Wesely renewed his pending amendment, AM3156, found in the Journal on page 1579.

The Wesely amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Abboud withdrew his pending amendment, AM3151, found in the Journal on page 1769.

Mr. Schmit offered the following amendment:
AM3319

1. Insert the following new section:

"Sec. 9. That section 28-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-907. (1) A person commits the offense of false reporting if he or she:

(a) Furnishes information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or to impede the investigation of an actual criminal matter; ~~or~~

(b) Furnishes information he or she knows to be false alleging the existence of an emergency in which human life or property ~~are~~ is in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property;

(c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false, concerning the need for assistance of a fire department or any personnel or equipment of such department; ~~or~~

(d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person; or

(e) Furnishes information he or she knows to be false to a special committee of the Legislature, including senators on the committee and counsel and special investigators to the committee, with the intent to instigate or impede an investigation by the committee.

(2) False reporting is a Class I misdemeanor.".

2. On page 22, line 3, after the last comma insert "28-907,".

3. Renumber remaining sections accordingly.

Messrs. Lamb and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit withdrew his pending amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1246A. Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 11CA. Mr. Wesely moved to indefinitely postpone.

Messrs. Rogers, McFarland, and Mrs. Langford asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew his pending motion to indefinitely postpone.

Mr. Wesely requested a machine vote on the advancement of the resolution.

MR. HEFNER PRESIDING

Advanced to E & R for engrossment with 26 ayes, 3 nays, 9 present and not voting, and 11 excused and not voting.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1153. E & R amendment, AM7201, found in the Journal on page 1736 for the Fifty-Fourth Day, was adopted.

Mr. Byars renewed his pending amendment, AM3212, found in the Journal on page 1739.

The Byars amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Barrett renewed his pending amendment, AM3223, found in the Journal on page 1759.

The Barrett amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1153A. E & R amendment, AM7202, found in the Journal on page 1738 for the Fifty-Fourth Day, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1055. E & R amendment, AM7199, printed separately from the Journal and referred to on page 1738 for the Fifty-Fourth Day, was adopted.

Mrs. Smith withdrew her pending amendment, AM3195, found in the Journal on page 1647.

Mr. Hall withdrew his pending amendment, AM3236, found in the Journal on page 1763.

Mr. Hall offered the following amendment:
AM3318

(Amendments to E & R amendments, AM7199)

1. Insert the following new section:

"Sec. 6. That section 9-614, Revised Statutes Supplement, 1989, be amended to read as follows:

9-614. Lottery operator shall mean any individual, sole proprietorship, partnership, or corporation which operates a lottery on behalf of a county, city, or village.

A lottery operator shall be a resident of Nebraska or, if a partnership or corporation, shall be organized under the laws of this state as a partnership or incorporated under the ~~laws of this state~~ Nebraska Business Corporation Act.".

2. On page 4, line 8, after "2-1207.01" insert ", except that no amount shall be deducted from wagers on horses selected to run first, second, or third at tracks handling less than ten million dollars during their live race meets for promotion of agriculture and horsebreeding"; and in line 13 strike "permits", show as stricken, and insert "aids or abets" and strike "to make", show as stricken, and insert "in making".

3. On page 10, line 19, strike "5 and 7" and insert "6 and 8".

4. On page 11, line 1, strike "and" and insert a comma and after the first comma insert "and 9-614,".

5. Renumber the remaining sections accordingly.

SPEAKER BARRETT PRESIDING

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hall amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Conway offered the following amendment:
AM3344

(Amendments to E&R Amendments, AM7199)

1. Insert the following new sections:

"Sec. 6. That section 9-607, Revised Statutes Supplement, 1989, be amended to read as follows:

9-607. (1) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets, (c) winners are solely determined by one of the following three methods: (i) By a random drawing of tickets differentiated by sequential enumeration from a receptacle by hand whereby each ticket has an equal chance of being chosen in the drawing; (ii) by rubbing or scraping a spot or spots on a disposable instant game ticket to reveal numbers, letters, symbols, or configurations, or any combination thereof, previously specified as winning numbers, letters, symbols, or configurations or a winning combination; or (iii) by use of a game known as keno in which a player selects up to twenty numbers from a total of eighty numbers on a ticket and a computer, other electronic selection device, or electrically operated blower machine which is not player activated randomly selects up to twenty numbers from the same pool of eighty numbers and the winning players are determined by the correct matching of the numbers selected by the players with the numbers randomly selected by the computer, other electronic selection device, or electrically operated blower machine, and (d) the holders of the winning tickets are to receive cash or prizes redeemable for cash. Selection of a winner or winners shall be predicated solely on chance.

(2) Lottery shall not include (a) any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, (b) any activity authorized or regulated under the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, section 9-701, or Chapter 2, article 12, or (c) any activity prohibited under Chapter 28, article 11.

(3) Notwithstanding subsections (1) and (2) of this section, any county, city, or village lottery operation in existence and operating on March 1, 1989, which would not meet the requirements of subsection (1) of this section or the requirement in section 9-625 that only one ~~scheme or type~~ each of the three schemes or types of lottery as defined in subdivision (1)(c) of this section be conducted may continue in operation until January 1, 1991. Such operation shall be

restricted to operation upon the same terms as existed on March 1, 1989, and the operation of the lottery shall comply with the other provisions of the Nebraska County and City Lottery Act.

Sec. 7. That section 9-625, Revised Statutes Supplement, 1989, be amended to read as follows:

9-625. Any county, city, or village may establish and conduct a lottery if an election is first held pursuant to this section. ~~Only one scheme or type of lottery may be conducted by a county, city, or village at one time.~~ No county, city, or village shall operate more than one each of the three schemes or types of lotteries as defined in subdivision (1)(c) of section 9-607. No county, city, or village shall establish and conduct a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called by the governing board of the county, city, or village for such purpose. This section shall not be construed to prohibit any county, city, or village from conducting a lottery if such course of action was approved prior to July 17, 1986, by a majority of the registered voters of such county, city, or village casting ballots on the issue.

Any lottery established pursuant to this section which is authorized by an election held on or after October 1, 1989, pursuant to this section that is not in operation for any four consecutive years shall no longer be authorized under this section. If the voters in a county, city, or village approve a lottery on or after October 1, 1989, pursuant to this section but the lottery does not actually begin operation within four years of the date that the results of the election are certified, the lottery shall no longer be authorized under this section. Any lottery no longer authorized under this section because it did not operate within the four-year period provided in this section may be reauthorized by a majority vote of the registered voters of the county, city, or village casting ballots on the issue at a subsequent election pursuant to this section.

Except for any restriction imposed pursuant to section 9-643, any county, city, or village may conduct a lottery only within the boundaries of such county, city, or village, except that nothing in this section shall prohibit a county, city, or village from entering into an agreement pursuant to the Interlocal Cooperation Act to conduct a joint lottery with another county, city, or village which has established a lottery in accordance with this section.".

2. On page 10, line 19, strike "5" and insert "7" and strike "7" and insert "9".

3. On page 11, line 2, strike "and" and insert a comma and before "Revised" insert "9-607, and 9-625,".

4. Renumber the remaining sections accordingly.

Messrs. Wesely and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Conway withdrew his pending amendment.

Mr. Conway offered the following amendment:
FA452
page 3 line 8 strike 1991 and change to 1992

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Conway amendment lost with 12 ayes, 17 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1221. E & R amendment, AM7200, found in the Journal on page 1738 for the Fifty-Fourth Day, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 281 in the Journal. No objections. So ordered.

AM3343

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new section:

"Section 1. A city of the first class may plan, initiate, operate, maintain, administer funding for, and evaluate facilities, programs, and services that meet the needs of elderly persons and contract with state agencies, political subdivisions, and private nonprofit agencies to exercise and carry out such powers.".

2. On page 1, strike beginning with "the" in line 1 through line 7 and insert "cities of the first class; to provide powers to meet the needs of elderly persons through facilities, programs, and services as prescribed.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 419. Introduced by Wesely, 26th District; Chizek, 31st District; Lindsay, 9th District; Nelson, 35th District; Hall, 7th District; Korshoj, 16th District.

WHEREAS, ConAgra Inc. is a major employer headquartered in the great State of Nebraska; and

WHEREAS, state and local government officials have worked to provide an excellent business climate and to offer assistance to encourage ConAgra Inc. to maintain and expand its operations in Nebraska; and

WHEREAS, the Nebraska Legislature passed LB 775 in 1987 to provide tax incentives for ConAgra Inc. and other Nebraska corporations to invest and create jobs in Nebraska; and

WHEREAS, ConAgra Inc. has received substantial benefits from LB 775, LB 773, and LB 772, all passed in 1987, and other changes to Nebraska's tax system; and

WHEREAS, ConAgra Inc. has been negotiating to acquire Tractor Supply Co. (TSC), a retail corporation based in Nashville, Tennessee; and

WHEREAS, reports indicate that ConAgra Inc. may relocate its headquarters for Country General Stores from Grand Island, Nebraska, to Nashville, Tennessee; and

WHEREAS, employees, state and local officials, businesses, and Nebraska citizens remain committed to working with ConAgra Inc. to maintain and expand its presence in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature calls on ConAgra Inc. to retain the Country General Stores headquarters in Grand Island, Nebraska.
2. That a copy of this resolution be sent to the board of directors and principal officers of ConAgra Inc.

Laid over.

LEGISLATIVE RESOLUTION 420. Introduced by Scofield, 49th District.

WHEREAS, Cooperative Extension continues to meet the changing educational needs of Nebraskans in all walks of life with programs serving every county; and

WHEREAS, extension represents the results of people working together at the local, state, and national levels through the county governments, the State of Nebraska through the University of Nebraska-Lincoln, and the federal government through the United States Department of Agriculture; and

WHEREAS, new methods of delivering educational programs, including satellite videoconferencing, have been adopted by extension to reach audiences throughout the state effectively and efficiently; and

WHEREAS, citizens throughout the state have helped extension focus the efforts of volunteers and professionals on seven high priority areas: Increasing agricultural profitability; revitalizing rural communities; enhancing water quality; improving nutrition and health; strengthening individuals and families; conserving and managing natural resources; and youth at risk; and

WHEREAS, Cooperative Extension has made and continues to make significant contributions to the development of Nebraska and its people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and commends all volunteers, professionals, local Cooperative Extension Boards, 4-H and Home Extension Club Leaders, Master Gardeners, and other volunteer

leaders for the quality of their efforts to help Nebraskans reach their full potential and extends best wishes for continuing success.

2. That a copy of this resolution be sent to the Cooperative Extension Service, 4-H and Youth Development Office at the University of Nebraska for distribution.

Laid over.

UNANIMOUS CONSENT - **Print in Journal**

Mr. Warner asked unanimous consent to print the following amendment to LB 1141 in the Journal. No objections. So ordered.

AM3226

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 14 to Article VII, which is hereby proposed by the Legislature:

CVII-14 'On January 1, 1992, there shall be established the Nebraska Coordinating Commission for Postsecondary Education which shall be vested with the authority for the coordination of all public postsecondary education institutions which offer baccalaureate or postbaccalaureate degrees. Coordination shall mean, but need not be limited to, coordination of programs and academic activities, planning, budget submission, capital construction, and, as prescribed by law, other common administrative functions. The powers and duties of the commission shall be prescribed by law.

The commission shall consist of eleven members, residents of the state, who shall be appointed by the Governor with the approval of a majority of the Legislature. Six of the members shall be chosen from six districts of approximately equal population and five shall be chosen on a statewide basis.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. No more than seven of the members initially appointed shall be of the same political party. Vacancies shall be filled by appointment for the balance of the term.

The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

'A constitutional amendment to establish the Nebraska Coordinating Commission for Postsecondary Education; to provide powers for the commission; and to provide for membership on the commission.

For

Against'.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 1990, at 5:29 p.m., were the following bills: 880, 880A, 1004, 1004A, 1080, 1080A, 1184, 1184A, 656, 1146, 42, 42A, 799, 1019, 1019A, 1059, 1059A, 1136, 1222, and 1222A.

(Signed) Jeffrey DeLine, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 571A, 843, 843A, and 958.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 843

The following changes, required to be reported for publication in the Journal, have been made:
ER6294

1. In the Baack amendment, AM3234, on page 2, line 10, the first "to" has been struck and ", 79-1337, 79-1339," inserted; in line 12 "and" has been struck; in line 13 "79-1331," has been struck and "79-1332.02" has been struck and "79-1333.02" inserted; and in line 14 "section 79-1338, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 843, Ninety-first Legislature, Second Session, 1990, and section 79-1331, Revised Statutes Supplement, 1989, as amended by section 1, Legislative Bill 843, Ninety-first Legislature, Second Session, 1990," has been inserted after the second comma.
2. In the E & R amendment, AM7186, on page 1, line 11, "a fund" has been struck and "funds" inserted; in line 12 "the School Foundation and Equalization Act," has been inserted after the comma; and in line 19 "as defined in" has been struck.
3. On page 1, line 3, "and" has been struck; in line 6 ", and section 45, Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990" has been inserted after "1989".
4. On page 2, line 4, "to change provisions relating to the repeal of certain statutes;" has been inserted after the semicolon; in line 6 "to provide operative dates;" has been inserted after the semicolon and "and" has been struck; and the matter beginning with "section" in line 7 through line 8 and all amendments thereto have been struck and "sections 79-1103.02, 79-1103.03, 79-1332, 79-1332.01, 79-1333.01, 79-1334, 79-1336, 79-1337, 79-1339, 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, section 79-1335, Revised Statutes Supplement, 1988, sections 79-1330, 79-1333, 79-1333.02, and 79-3411, Revised Statutes Supplement, 1989, section 79-1338, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 843, Ninety-first Legislature, Second Session, 1990, and section 79-1331, Revised Statutes Supplement, 1989, as amended by section 1, Legislative Bill 843, Ninety-first Legislature, Second Session, 1990; and to declare an emergency." inserted.
5. On page 8, lines 14 and 24, "section 79-1331" has been struck and "required by law" inserted.

6. On page 16, line 7, "or similar calculation pursuant to any successor state aid program" has been inserted after "79-1338".

Enrollment and Review Change to LB 843A

The following changes, required to be reported for publication in the Journal, have been made:
ER6295
1. In the Baack amendment, AM3165, on page 2, line 9, "remains" has been struck and "is" inserted.
2. On page 1, line 1, "to amend section 6, Legislative Bill 1059A, Ninety-first Legislature, Second Session, 1990;" has been inserted after the semicolon; and in line 4 "; to reduce an appropriation; and to repeal the original section" has been inserted after "1990".

Enrollment and Review Change to LB 958

The following changes, required to be reported for publication in the Journal, have been made:
ER6296
1. On page 1, line 1, "child restraint systems" has been struck and "rules of the road" inserted; in line 4 "a" has been struck; and in line 5 "restraint system" has been struck and "passenger restraint systems" inserted.
2. On page 3, line 19, "a" has been struck; and in line 20 "system" has been struck and "systems" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1003. Title read. Considered.

Standing Committee amendment, AM2301, found in the Journal on page 556 for the Seventeenth Day, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Wesely and Chizek asked unanimous consent to have their names added as co-introducers to LB 1246. No objections. So ordered.

VISITORS

Visitors to the Chamber were 23 students and sponsor from West Germany; Andrew Zimmer and Mike West from Lincoln, and Jim Hergert from Omaha; 10 junior high students and teacher from Bee; and Senator Korshoj's niece and her daughter, Kris and Kelli Maggiore.

MOTION - Adjournment

Mrs. Langford moved to adjourn. The motion prevailed with 16 ayes, 15 nays, 8 present and not voting, and 10 excused and not voting, and at 7:38 p.m., the Legislature adjourned until 8:00 a.m., Wednesday, April 4, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 4, 1990

LEGISLATIVE JOURNAL

FIFTY-EIGHTH DAY - APRIL 4, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 4, 1990

Pursuant to adjournment, the Legislature met at 8:05 a.m., Speaker Barrett presiding.

PRAYER

The prayer was offered by Pastor Thomas Stebbins, Christ Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Baack, Chizek, Haberman, R. Johnson, Moore, Rogers, Warner, Mmes. Beck, Labedz, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

REPORT

Received audit reports from the Auditor of Public Accounts for the following agencies: Dry Bean Commission, Legislative Council, Department of Justice, University of Nebraska, Nebraska Investment Council, Office of Risk Management/State Claims Board, State Fire Marshal, Nebraska Department of Aeronautics, Nebraska Educational Telecommunications Commission, Department of Veterans' Affairs, Nebraska Public Service Commission, Nebraska Game and Parks Commission, Public Employees' Retirement

Systems, Nebraska Arts Council, Nebraska Coordinating Commission for Postsecondary Education, and Nebraska Auditor of Public Accounts Quality Control Review.

MOTION - Recommit to General File

Mr. Chambers moved to recommit all bills on Select File (today's agenda, April 4, 1990) to General File, pursuant to Rule 6, Section 5(d).

The Chambers motion lost with 1 aye, 15 nays, 20 present and not voting, and 13 excused and not voting.

MOTION - Overrule Speaker's Agenda

Mr. Chambers moved to overrule the Speaker's order and consider Chambers motion to return specified bills (LBs 976, 854, 1062, 1062A, 1151, 989, 989A, 866, and 866A) to General File.

Mr. Bernard-Stevens requested a ruling of the Chair on whether the Chambers motion was a reconsideration of the Labedz-Schmit motion to suspend the rules, found in the Journal on page 1819.

The Chair ruled the Chambers motion is not a reconsideration.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Chambers motion to overrule the Speaker's agenda lost with 4 ayes, 16 nays, 23 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to overrule the Speaker's agenda and consider Chambers motion to return LB 854 to General File.

Mr. Chambers requested a record vote on his motion to overrule the Speaker's agenda.

Voting in the affirmative, 7:

Ashford
Bernard-Stevens
Chambers
Landis
Morrissey
Nelson
Schimek

Voting in the negative, 17:

Barrett
Beck
Beyer
Byars
Conway
Crosby
Dierks
Hall
Johnson, L.
Labedz
Lamb
Langford
Moore
Peterson
Pirsch
Schmit
Wehrbein

Present and not voting, 21:

Baack
Coordsen
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Korshoj
Kristensen
Lynch
McFarland
Robak
Rogers
Schellpeper
Scofield
Smith
Warner
Weihing
Wesely
Withem

Excused and not voting, 4:

Abboud
Chizek
Johnson, R.
Lindsay

The Chambers motion to overrule the Speaker's agenda lost with 7 ayes, 17 nays, 21 present and not voting, and 4 excused and not voting.

Mr. Bernard-Stevens moved to overrule the Speaker's agenda by moving item six and seven to item five and item five to item six and seven. Also to place LB 854 to follow LB 866A.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to overrule the Speaker's agenda.

Voting in the affirmative, 23:

Ashford
Baack
Chambers
Coordsen
Elmer
Haberman
Hannibal
Hefner
Johnson, R.
Landis
Lynch
Moore
Morrissey
Nelson
Pirsch
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 20:

Beck
Beyer
Conway
Crosby
Dierks
Goodrich
Hall
Hartnett
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
McFarland
Peterson
Robak
Rogers
Schmit
Smith

Present and not voting, 3:

Barrett
Bernard-Stevens
Byars

Excused and not voting, 3:

Abboud
Chizek
Lindsay

The Bernard-Stevens motion to overrule the Speaker's agenda lost with 23 ayes, 20 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1003. Placed on Select File.

(Signed) John C. Lindsay, Chairperson

MOTION - Overrule Speaker's Agenda

Mr. McFarland moved to overrule the Speaker's agenda to suspend the rules, Rule 2, Section 10, Rule 6, Section 5, Rule 7, Section 3, and Rule 7, Section 7, and vote on the advancement of LB 854 to E & R for Engrossment following one hour of debate. Each member shall be entitled to speak no more than one time not to exceed five minutes. No motions or amendments shall be allowed. At the end of one hour, primary introducer shall be allowed to close and a vote taken on the advancement of the bill.

Mr. Landis raised a point of order on whether the McFarland motion is in order because it is not a priority motion.

The Chair ruled the McFarland motion is out of order because it is not a priority motion.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. McFarland withdrew his motion to overrule the Chair.

SELECT FILE

LEGISLATIVE BILL 431. Messrs. Wesely, McFarland, Hall, and Korshoj renewed their pending amendment, AM3284, printed separately from the Journal and referred to on page 1807.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT NICHOL PRESIDING

Messrs. Wesely and Hall offered the following amendment to the pending Wesely et al. amendment:
AM3349

(Amendments to AM3284)

1. On page 18, line 6, after the third "the" insert "corporate"; in line 7 after "tax" insert "and the credits used to reduce the individual income tax"; in line 17 strike beginning with "when" through "signed" and insert "on the last day of the calendar quarter prior to the application date"; and strike beginning with "signing" in line 21 through "agreement" in line 22 and insert "the application date".

2. On page 19, strike beginning with "(n)" in line 1 through "(o)" in line 2 and insert "and (n)".

Messrs. Wehrbein, Lindsay, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The Wesely-Hall amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment to the pending Wesely et al. amendment:
AM3352

(Amendments to AM3284)

1. On page 19, line 8, after "the" insert "available"; and in line 10 after the period insert "Information required in this section that is not available to the department for the report due September 1, 1990, shall be provided in the next annual report.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The pending Wesely et al. amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
FA453

to add 1/2 FTE to the fiscal policy office in order to analyze the information provided by LB 431

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Bernard-Stevens amendment lost with 3 ayes, 14 nays, 26 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens moved to indefinitely postpone LB 431.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house.

Mr. Bernard-Stevens requested a roll call vote on his motion for a call of the house.

Voting in the affirmative, 13:

Bernard-Stevens
Beyer
Chambers
Conway
Crosby
Kristensen
Landis
Langford
Moore
Morrissey
Nelson
Warner
Withem

Voting in the negative, 17:

Byars
Dierks
Elmer
Hall
Hefner
Johnson, L.
Korshoj
Labedz
Lamb
Lindsay
Lynch
Peterson
Rogers
Schellpeper
Schimek
Schmit
Wesely

Present and not voting, 14:

Baack
Barrett
Beck
Chizek
Coordsen
Goodrich
Haberman
Hannibal
Hartnett
Pirsch
Robak
Scofield
Smith
Weihing

Excused and not voting, 5:

Abboud
Ashford
Johnson, R.
McFarland
Wehrbein

The Bernard-Stevens motion for a call of the house lost with 13 ayes, 17 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 10:

Abboud

Bernard-Stevens
Beyer
Crosby
Goodrich
Hannibal
Kristensen
Lamb
Langford
Peterson

Voting in the negative, 25:

Baack
Chambers
Chizek
Conway
Dierks
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Labedz
Landis
Lindsay
Lynch
Morrissey
Rogers
Schellpeper
Schimek
Schmit
Smith
Warner
Weihing
Wesely
Withem

Present and not voting, 10:

Barrett
Beck
Byars
Coordsen
Elmer
Moore
Nelson
Pirsch
Robak
Scofield

Excused and not voting, 4:

Ashford
Johnson, R.
McFarland
Wehrbein

The Bernard-Stevens motion to indefinitely postpone lost with 10 ayes, 25 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Bernard-Stevens moved to bracket LB 431 until April 9, 1990.

Mr. Bernard-Stevens withdrew his motion to bracket.

Mr. Warner offered the following amendment:
FA454
by striking "Sept." in AM3352 to "Dec."

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Wesely requested a record vote on the Warner amendment.

Voting in the affirmative, 25:

Abboud
Barrett
Beck

Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Kristensen
Labedz
Langford
Peterson
Pirsch
Rogers
Schmit
Scofield
Smith
Warner
Weihing

Voting in the negative, 14:

Baack
Chambers
Conway
Dierks
Hall
Korshoj
Landis
Lindsay
Morrissey
Nelson
Schellpeper
Schimek
Wesely
Withem

Present and not voting, 5:

Hartnett
Lamb
Lynch
Moore
Robak

Excused and not voting, 5:

Ashford
Chizek
Johnson, R.
McFarland
Wehrbein

The Warner amendment was adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 1043. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Hannibal asked unanimous consent to have his name withdrawn as co-introducer to LB 1043. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 421. Introduced by Moore, 24th District.

WHEREAS, the State of Nebraska will be observing its quasquicentennial in the year 1992; and

WHEREAS, this celebration of the one hundred twenty-fifth anniversary of Nebraska's statehood is a milestone in our state's history and a tribute to the heritage of the founding pioneers; and

WHEREAS, the State of Nebraska has a successful record of accomplishment in observing Nebraska's centennial of statehood in 1967 and the bicentennial of the Declaration of Independence of the United States in 1976; and

WHEREAS, a successful celebration event is the result of advance organization, preparation, and planning; and

WHEREAS, a quasquicentennial celebration would focus on the people, places, and accomplishments of Nebraska, reflecting on the state's past and preparing for the future; and

WHEREAS, such an anniversary event would instill an even greater awareness of Nebraska's heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recommends to the Governor that a special Nebraska One Hundred Twenty-fifth Anniversary Commission be established to develop programs and plans for a suitable observance of the one hundred twenty-fifth anniversary of Nebraska statehood in 1992.

Laid over.

VISITORS

Visitors to the Chamber were 10 high school students and teacher from Petersburg; 50 fourth grade students and teacher from Cottonwood Elementary, Omaha; 32 fifth grade students and teacher from Stromsburg and Benedict; and 25 fourth grade students and teacher from Stanton.

RECESS

At 12:00 noon, on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Byars, Chizek, Dierks, Hall, Lindsay, McFarland, Morrissey, and Mrs. Robak who were excused until they arrive.

PRESIDENT NICHOL PRESIDING

SELECT FILE

LEGISLATIVE RESOLUTION 239CA. Mr. Withem moved to bracket until April 9, 1990.

Messrs. Landis, Hefner, Coordsen, Schellpeper, Korshoj, Rogers, Wehrbein, and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment to the pending Withem motion:
FA455
to amend the Withem bracket motion to April 10th 1990

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens withdrew his pending amendment.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Withem motion to bracket lost with 4 ayes, 18 nays, 23 present and not voting, and 4 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 1055, 1153, 1153A, 1221, 1246, 1246A, and LR 11CA.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 1055

The following changes, required to be reported for publication in the Journal, have been made:
ER6300

1. In the E & R amendment, AM7199, on page 11, line 13, " 'and' " has been struck and "and 9-614," has been inserted after the third comma; in line 16 "to change a provision relating to permitting a minor to make a parimutuel wager;" has been inserted after the quotation mark; and in line 21 "to change an incorporation requirement for lottery operators under the Nebraska County and City Lottery Act as prescribed;" has been inserted after the first semicolon.
2. On page 1, the matter beginning with "the" in line 3 through "to" in line 7 and all amendments thereto have been struck and "provisions relating to deductions from, taxes on, and permitting a minor to make parimutuel wagers on horseracing; to change provisions relating to taxes on bingo, pickle cards, and other charitable gaming; to change an incorporation requirement for certain lottery operators; to provide operative dates; to" inserted.

Enrollment and Review Change to LB 1153

The following changes, required to be reported for publication in the Journal, have been made:
ER6297

1. In the Barrett amendment, AM3223, section 58 has been renumbered as section 61.
2. In the Standing Committee amendment, AM2572:
   a. On page 58, line 16, "59 and 63" and all amendments thereto have been struck and "58, 60 to 63, and 67" inserted; and
   b. On page 59, line 9, "60" has been struck and "64" inserted.
3. In the E & R amendment, AM7201, on page 4, line 6, "23-1514, 33-112," has been inserted after the first comma and "77-1333," has been inserted after the last comma; in line 11 "to provide and change requirements for instruments and printed forms to be filed with the register of deeds; to change fee provisions for recording certain instruments;" has been inserted after the semicolon; and in line 24 "60" has been struck and "64" inserted.

Enrollment and Review Change to LB 1221

The following changes, required to be reported for publication in the Journal, have been made:
ER6299
1. On page 6, line 11, the paragraphing and "(2)" have been struck; and in line 22 the period has been struck.

Enrollment and Review Change to LB 1246

The following changes, required to be reported for publication in the Journal, have been made:
ER6298
1. In the E & R amendment, AM7198:
a. On page 1, line 16, "28-712," has been inserted after the first comma; and
b. On page 2, line 1, "to change duties of law enforcement agencies as prescribed;" has been inserted after the second semicolon.
2. In the Standing Committee amendment, AM2877, on page 2, line 6, "and instruction on the investigation and prosecution of crimes against children" has been inserted after "principles".

(Signed) Mary E. Sommermeyer
E & R Attorney

COMMUNICATIONS

April 4, 1990

Senator Bernice Labedz, Chairperson
Executive Board
2010 State Capitol Building
Lincoln, Nebraska 68509

Dear Senator Labedz:

Enclosed is a communication I received from Mr. John Goebel, Associate Chancellor and Vice Chancellor for Business and Finance, University of Nebraska. The communication involves the University's request for exterior and interior improvements and modifications of Mabel Lee Hall be approved as part of Phase III of the Campus Recreation/Athletic Facility in addition to exterior and interior improvements to the Coliseum.

I am forwarding this communication to you for reference to the appropriate standing committee.

With kind regards.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

April 4, 1990

J. Patrick O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

It is hereby requested that the Ninety-First Legislature of Nebraska approve a change in the construction plans previously approved in Legislative Resolution 223 on May 24, 1989. Pursuant to LR 223, the University is requesting that exterior and interior improvements and modifications of Mabel Lee Hall be approved as part of Phase III of the Campus Recreation/Athletic Facility in addition to exterior and interior improvements to the Coliseum. This change in Phase III of the project will enable Department of Health, Physical Education and Recreation functions currently housed in both locations to be combined within the Mabel Lee facility. It will not result in any additional cost for Phase III of the project since the improvements scheduled for the Coliseum will be reduced accordingly in scope, nor will it result in a change in the previously approved financing plan for the project.

Should the Legislature require additional information regarding this matter, please contact Dr. James V. Griesen, UNL Vice Chancellor for Student Affairs, 124 Administration Building, Telephone 472-3755 or me.

Sincerely yours,
(Signed) John W. Goebel
Associate Chancellor and
Vice Chancellor for Business
and Finance

c: Members of the Board of Regents
Interim President Massengale

Vice Chancellor Griesen
Vice Chancellor Furgason

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the communication received from John W. Goebel, Associate Chancellor and Vice Chancellor for Business and Finance, University of Nebraska and LR 418.

Appropriations

Communication from the University of Nebraska requesting a change in construction plans previously approved in LR 223 on May 24, 1989.

LR	Committee
418	Judiciary

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE RESOLUTION 239CA. Mr. Chambers offered the following amendment:
FA456

Amend E & R amendment (AM7187)

1. P. 3, line 3, beginning with "No", strike all language through "party" in line 5.
2. P. 6, line 11, beginning with, "No" strike all language through party in line 13.

Messrs. Chizek and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
FA457

P. 6, line 2, after "Education.", strike all language through "responsibilities." in line 6.

The Chambers amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Withem requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 25:

Abboud
Ashford
Baack
Bernard-Stevens
Byars
Chambers
Chizek
Crosby
Dierks
Hall
Hannibal
Hartnett
Johnson, L.
Kristensen
Langford
Lindsay
Lynch
Moore
Morrissey
Nelson
Scofield
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 14:

Beck
Beyer
Coordsen
Goodrich
Haberman
Hefner
Johnson, R.
Lamb
Landis
Peterson
Schellpeper
Schimek
Schmit
Wesely

Present and not voting, 7:

Conway
Elmer
Korshoj
Labedz
Pirsch
Robak
Rogers

Absent and not voting, 1:

Smith

Excused and not voting, 2:

Barrett
McFarland

Advanced to E & R for engrossment with 25 ayes, 14 nays, 7 present and not voting, 1 absent and voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Chizek, Schmit, and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1141. E & R amendment, AM7196, printed separately from the Journal and referred to on page 1548 for the Fiftieth Day, was adopted.

Mr. Warner asked unanimous consent to replace his pending amendment, AM3106, found in the Journal on page 1569, with his substitute amendment, AM3226, found in the Journal on page 1863. No objections. So ordered.

Mr. Warner withdrew his pending amendment, AM3106, found in the Journal on page 1569.

Mr. Warner renewed his substitute amendment, AM3226, found in the Journal on page 1863.

SPEAKER BARRETT PRESIDING

Mr. Conway offered the following amendment to the pending Warner amendment:
FA458
to amend AM3226 by striking: on line 14 begin with "which" thru "to degrees" on line 15 & insert on line 12 after "which" the language: (Not withstanding any other provision of this Constitution)

Messrs. Kristensen and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Conway moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Baack	Coordsen	Haberman	Hartnett
Ashford	Conway	Elmer	Hall	Lamb

Lindsay
Lynch
Morrissey
Pirsch
Rogers
Schimek
Weihing
Withem

Voting in the negative, 14:

Beck
Bernard-Stevens
Beyer
Byars
Crosby
Goodrich
Johnson, L.
Landis
Langford
Schellpeper
Scofield
Warner
Wehrbein
Wesely

Present and not voting, 12:

Barrett
Chambers
Dierks
Hannibal
Hefner
Korshoj
Labedz
McFarland
Moore
Nelson
Peterson
Robak

Excused and not voting, 5:

Chizek
Johnson, R.
Kristensen
Schmit
Smith

The Conway amendment lost with 18 ayes, 14 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Wesely requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the Warner amendment is germane to the bill.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Warner amendment was adopted with 33 ayes, 3 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Coordsen withdrew his pending amendment, FA430, found in the Journal on page 1671.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Mr. Bernard-Stevens requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Chambers
Conway
Coordsen
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 6:

Beyer
Byars
Crosby
Peterson
Schellpeper
Wesely

Present and not voting, 3:

Haberman
Korshoj
Labedz

Excused and not voting, 3:

Chizek
Johnson, R.
McFarland

Advanced to E & R for engrossment with 37 ayes, 6 nays, 3 present and not voting, and 3 excused and not voting.

EXPLANATION OF VOTE

Had I been present on April 3, 1990, I would have voted no on LBs 880 and 42. I would have voted yes on LBs 1004, 1080, 1184, 656, 1146, 799, 1019, 1059, 1136, and 1222.

(Signed) Rex Haberman

RESOLUTION

LEGISLATIVE RESOLUTION 422. Introduced by Crosby, 29th District.

WHEREAS, the Lincoln Southeast High School Symphonic Band has achieved and maintained high standards of excellence in the concert area for many years; and

WHEREAS, the Lincoln Southeast High School Symphonic Band has been evaluated and rated in its concert activities; and

WHEREAS, the Lincoln Southeast High School Symphonic Band received the Sweepstakes Award for Best Band in the Lincoln Public Schools All City Band Contest held at the Lied Center on April 3, 1990; and

WHEREAS, the Lincoln Southeast High School Symphonic Band received a Superior Rating and won the sight-reading award at this competition; and

WHEREAS, the Lincoln Southeast High School Symphonic Band has received this top award for five consecutive years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature sends its congratulations to the band members and to the director, Mr. Bob Krueger.
2. That the Legislature recognizes the hard work and dedication that went into achieving this award.
3. That the Legislature expresses its pride in the young women and men who are members of the band and wishes them continued success.
4. That a copy of this resolution be mailed to the Lincoln Southeast High School Symphonic Band.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 431.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 431

The following changes, required to be reported for publication in the Journal, have been made:

ER6301

1. Because of the Warner amendment, FA454, in the Wesely et al. amendment, AM3284, on page 19, line 7, "September" has been struck and "December" inserted.

2. On page 1, the matter beginning with "economic" in line 1 through line 2 has been struck and "the Employment and Investment Growth Act; to amend sections 77-4104 and 77-4110, Revised Statutes Supplement, 1988, and section 77-27,119, Revised Statutes Supplement, 1989; to change provisions relating to reports to the Legislature and the confidentiality of certain information; and to repeal the original sections." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 90027

DATE: April 4, 1990

SUBJECT: LB 1124 - Issuance of Transferrable Motor Fuel Tax Credit Certificates to Entities Which Produce Ethanol

REQUESTED BY: Senator LaVon Crosby
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Bernard L. Packett, Assistant Attorney General

This is in reply to your inquiry concerning the constitutionality of that provision of LB 1124 which would entitle a producer of ethanol to obtain from the Department of Revenue a transferrable motor fuel tax credit certificate in the amount of 20¢ for each gallon of ethanol produced in Nebraska.

Your inquiry makes specific reference to Article XIII, Section 3 of the Nebraska Constitution which provides in part: "The credit of the State shall never be given or loaned in aid of any individual, association, or corporation, ***."

It would seem quite clear that the purpose of Section 1 of LB 1124 is to subsidize the ethanol producers of Nebraska in order to increase the market of grain used in the production of ethanol. The purpose is not unlike that addressed by our Supreme Court in Oxnard Beet

Sugar Company v. State, 73 Neb. 57, 102 N.W. 80; 73 Neb. 66, 105 N.W. 716.

In that case, to encourage the manufacture of sugar from plants grown in Nebraska, a law was enacted which provided for a "bounty" of a specified sum, to any person, firm or corporation engaged in the manufacture of sugar in the State, for each pound of sugar manufactured. The manifest object of the Legislature in encouraging the manufacture of sugar was to build up manufacturing industries in the State which would help to develop the market of those crops used in the manufacture of sugar.

The question presented to the court was the power of the Legislature to appropriate the public money for such purposes.

In holding the act unconstitutional, our Supreme Court noted that it was aided by the discussions of other courts on the precise question and said:

> "In Michigan, under a constitutional provision similar to ours, the Legislature attempted to appropriate the public money to encourage the production of sugar, and the Supreme Court of that state upon thorough investigation and careful reasoning determined that the purpose of the appropriation was not a public one, and held the legislation unconstitutional. (Cases Cited) Following this decision the Supreme Court of Minnesota, held similar legislation unconstitutional for the same reason. The Circuit Court of Appeals of the United States for the Eighth Circuit has announced the same conclusion, giving strong reasons for concluding that the encouragement of the manufacture of sugar is not a public purpose for which the Legislature may appropriate the public money."

In conclusion, our court said:

> "The Legislature cannot appropriate the public moneys of the state to encourage private enterprises. The manufacturing of sugar and chicory is a private enterprise and the public money or credit cannot be given or loaned in aid of any individual, association, or corporation carrying on such enterprises."

In the present matter, we see no difference between the payment for "tax credit certificates" issued to producers of ethanol produced in the State and the payment of claims by producers of sugar in Nebraska for each pound of sugar produced.

It has been suggested that, aside from the legal question, there is still a moral and equitable duty to pay a producer of ethanol which uses the agricultural products of Nebraska farmers. The same argument was made in the Oxnard Beet Sugar case and our court said:

> This contention seems to receive some support in the language used by Peckham J., in the case of U.S. v. Realty Co., 163 U.S. 427, 167 up. Ct. 1120, 41 L.Ed.215. While recognizing the high standard of the tribunal from which the decision comes, as well as the great learning of the author of the opinion, we are still unable to give our assent to this doctrine. We are unable to understand any principle either of equity or good conscience that should estop the people of the state of Nebraska by an unauthorized act of the Legislative department of their government, especially when such act is attempted to be enforced in the face of a direct prohibition in the Constitution or basic law adopted by the people. An unconstitutional statute is a legal stillbirth, which neither moves, nor breathes, nor holds out any sign of life. It is a form without one vital spark. It is wholly dead from the moment of its conception, and no right, either legal or equitable, arises from such an inanimate thing.

The rule stated in the Oxnard Beet Sugar case has been reaffirmed in many subsequent cases, See State ex. rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249; State ex. rel. Rodgers v. Swanson, 198 Neb. 125, 219 N.W.2d 726; Bachus v. Swanson, 179 Neb. 1, 136 N.W.2d 189; Summerville v. North Platte Valley Weather Control District, 170 Neb. 46, 101 N.W.2d 748; and United Communities Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576.

From the above, it is our conclusion that the provision of LB 1124 which would authorize the issuance of transferrable motor vehicle tax credit certificates for each gallon of ethanol produced in the State could not be successfully defended in a test before our courts.

Very truly yours,
Robert M. Spire
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

22-1-7
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Overrule Speaker's Agenda

Mr. Bernard-Stevens moved to change the Speaker's agenda by considering Items six and seven prior to Item five.

Mr. Bernard-Stevens requested a ruling of the Chair on whether his motion is properly before the Legislature inasmuch as the motion is not a priority motion.

The Chair ruled the motion is out of order.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

MOTION - Recess

Mr. Bernard-Stevens moved to recess for 30 minutes. The motion lost with 3 ayes, 20 nays, 23 present and not voting, and 3 excused and not voting.

MOTION - Overrule the Chair

The pending Bernard-Stevens motion to overrule the Chair was renewed.

Messrs. Rogers and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 13:

Abboud
Baack
Bernard-Stevens
Chambers
Elmer
Haberman
Hefner
Landis
Moore
Morrissey
Nelson
Scofield
Wesely

Voting in the negative, 18:

Beck
Beyer
Byars
Crosby
Dierks
Goodrich
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Pirsch
Robak
Warner
Wehrbein
Weihing
Withem

Present and not voting, 14:

Ashford
Barrett
Conway
Coordsen
Hall

Hannibal	Lindsay	Peterson	Schimek	Smith
Hartnett	Lynch	Schellpeper	Schmit	

Excused and not voting, 4:

Chizek	Johnson, R.	McFarland	Rogers

The Bernard-Stevens motion to overrule the Chair lost with 13 ayes, 18 nays, 14 present and not voting, and 4 excused and not voting.

The Chair was sustained.

MOTION - Reconsider Action on Motion to Overrule the Chair

Mr. Schmit moved to reconsider the motion to overrule the Chair.

PRESIDENT NICHOL PRESIDING

Messrs. Schellpeper, Coordsen, Barrett, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit withdrew his motion to reconsider.

SELECT FILE

LEGISLATIVE BILL 1141A. Speaker ordered its removal from the agenda.

LEGISLATIVE BILL 1124. E & R amendment, AM7203, found in the Journal on page 1801 for the Fifty-Sixth Day, was adopted.

Mr. Schmit offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3369.)

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Smith moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mrs. Smith requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Pirsch
Robak
Schellpeper
Schimek
Schmit
Smith
Warner
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 10:

Beck
Beyer
Crosby
Johnson, R.
Lamb
Morrissey
Peterson
Scofield
Wehrbein
Withem

Excused and not voting, 3:

Barrett
Hannibal
Rogers

The Schmit amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lindsay offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3356.)

Mr. R. Johnson requested a ruling of the Chair on whether the Lindsay amendment is germane to the bill.

The Chair ruled the Lindsay amendment is not germane to the bill.

Advanced to E & R for engrossment.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Suspend Rules

Mr. McFarland moved to suspend the rules to require that LB 854 be voted upon on General File without consideration of amendments or any other motions.

Mr. McFarland withdrew his pending motion to suspend the rules.

Mr. McFarland moved to suspend the rules to require that LB 854 be voted upon on Select File without consideration of any amendments or any other motions.

Pending.

MOTION - Bracket LB 854

Mr. Bernard-Stevens moved to bracket LB 854 until April 9, 1990.

Mr. McFarland requested a ruling of the Chair on whether the Bernard-Stevens motion is a priority motion and is in order or whether his suspension motion supersedes the bracket motion.

The Chair ruled the bracket motion is a priority motion.

Mr. McFarland challenged the ruling of the Chair.

The Chair ruled the McFarland motion to overrule the Chair is out of order because the request was in the nature of a parliamentary inquiry rather than a ruling.

Mr. Bernard-Stevens offered the following amendment to his pending bracket motion:
FA459
to amend the bracket to LB 854 to April 10th

Messrs. Moore and Korshoj asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WITHEM PRESIDING

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?"

Mrs. Langford moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 36:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 5:

Chambers
Landis
Morrissey
Schimek
Scofield

Present and not voting, 2:

Bernard-Stevens
Nelson

Absent and not voting, 2:

Ashford
Conway

Excused and not voting, 4:

Baack
Hannibal
Korshoj
Moore

The motion to cease debate prevailed with 36 ayes, 5 nays, 2 present and not voting, 2 absent and not voting, and 4 excused and not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Chambers
Landis
Morrissey
Nelson
Schimek
Scofield
Warner
Weihing

Voting in the negative, 31:

Abboud
Barrett
Beck
Beyer
Byars
Chizek
Coordsen
Crosby
Dierks
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Wesely

Present and not voting, 4:

Bernard-Stevens
Elmer
Haberman
Withem

Absent and not voting, 2:

Ashford
Conway

Excused and not voting, 4:

Baack
Hannibal
Korshoj
Moore

The Bernard-Stevens amendment lost with 8 ayes, 31 nays, 4 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Chizek, Abboud, R. Johnson, Haberman, and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved to reconsider the previous vote on the Bernard-Stevens amendment.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Lamb moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Abboud
Barrett
Beck
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Wehrbein
Wesely
Withem

Voting in the negative, 5:

Chambers
Landis
Schimek
Scofield
Weihing

Present and not voting, 3:

Ashford
Bernard-Stevens
Nelson

Absent and not voting, 3:

Conway
Morrissey
Warner

Excused and not voting, 8:

Baack
Chizek
Haberman
Hannibal
Johnson, R.
Korshoj
Moore
Smith

The motion to cease debate prevailed with 30 ayes, 5 nays, 3 present and not voting, 3 absent and not voting, and 8 excused and not voting.

The Bernard-Stevens motion to reconsider lost with 7 ayes, 24 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to his pending bracket motion:
FA460

to amend the amendment to the Bernard-Stevens bracket from April 10th to April 18th

Mr. Lindsay requested a ruling of the Chair, pursuant to Rule 7, Section 6, on whether the Bernard-Stevens amendment is out of order given that an earlier amendment to the bracket motion was considered.

The Chair ruled the Bernard-Stevens amendment is in order because the Bernard-Stevens bracket motion has not yet been decided.

Mr. Lindsay challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens requested a ruling of the Chair on whether there had been a full and fair debate on the Lindsay motion to overrule the Chair.

The Chair ruled there had been a full and fair debate on the Lindsay motion to overrule the Chair.

Mr. Bernard-Stevens challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair declared the call raised.

Pending.

MOTION - Adjournment

Mr. McFarland moved to adjourn until 9:00 a.m. on April 5, 1990. The motion lost with 3 ayes, 21 nays, 21 present and not voting, and 4 excused and not voting.

MOTION - Recess

Mr. Chambers moved to recess until 11:30 p.m.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Chambers requested a roll call vote on his motion to recess.

Voting in the affirmative, 9:

Ashford
Bernard-Stevens
Chambers
Haberman
Korshoj
Landis
Moore
Morrissey
Nelson

Voting in the negative, 32:

Abboud
Beck
Beyer
Conway
Coordsen
Crosby
Dierks
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Present and not voting, 5:

Barrett
Byars
Chizek
Elmer
Scofield

Excused and not voting, 3:

Baack
Hannibal
Johnson, R.

The Chambers motion to recess lost with 9 ayes, 32 nays, 5 present and not voting, and 3 excused and not voting.

MOTION - Overrule the Chair on LB 854

The Bernard-Stevens motion to overrule the Chair on the motion to cease debate was renewed.

The Chair declared the call raised.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Abboud
Ashford
Barrett
Beyer
Byars
Conway
Crosby
Dierks
Goodrich
Haberman
Hall
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
Lynch
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Warner
Wehrbein
Wesely
Withem

Voting in the negative, 2:

Chambers
Landis

Present and not voting, 14:

Beck
Bernard-Stevens
Chizek
Coordsen
Elmer
Hartnett
Labedz
McFarland
Moore
Morrissey
Nelson
Schimek
Scofield
Weihing

Excused and not voting, 3:

Baack
Hannibal
Johnson, R.

The motion to cease debate prevailed with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bernard-Stevens motion to overrule the Chair lost with 8 ayes, 22 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Bernard-Stevens requested a roll call vote on the Lamb pending motion to cease debate on the Lindsay motion to overrule the Chair.

Voting in the affirmative, 25:

Abboud
Beck
Beyer
Byars
Crosby
Dierks
Goodrich
Hefner
Johnson, L.
Korshoj
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Withem

Voting in the negative, 9:

Baack
Chambers
Landis
Morrissey
Nelson
Schimek
Scofield
Weihing
Wesely

Present and not voting, 13:

Ashford
Barrett
Bernard-Stevens
Conway
Coordsen
Elmer
Haberman
Hall
Hannibal
Hartnett
Kristensen
Moore
Warner

Excused and not voting, 2:

Chizek
Johnson, R.

The Lamb motion to cease debate prevailed with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Lindsay requested a roll call vote on his pending motion to overrule the Chair on the Bernard-Stevens amendment to the bracket motion to LB 854.

Voting in the affirmative, 32:

Abboud
Beck
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Withem

Voting in the negative, 12:

Ashford
Baack
Bernard-Stevens
Hannibal
Landis
Morrissey
Nelson
Schimek
Scofield
Warner
Weihing
Wesely

Present and not voting, 5:

Barrett
Chambers
Elmer
Haberman
Moore

The Lindsay motion to overrule the Chair prevailed with 32 ayes, 12 nays, and 5 present and not voting.

The Chair was overruled.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the vote on the Lindsay motion to overrule the Chair on the Bernard-Stevens amendment, FA460, to the bracket motion to LB 854.

Messrs. Abboud, Chizek, Kristensen, and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: 1124, 1141, and LR 239.

(Signed) John C. Lindsay, Chairperson

Enrollment and Review Change to LB 1124

The following changes, required to be reported for publication in the Journal, have been made:
ER6306

1. On page 1, the matter beginning with "ethanol" in line 1 through line 9 and all amendments thereto has been struck and "fuels; to amend sections 66-468 and 66-474, Reissue Revised Statutes of Nebraska, 1943, sections 66-410 and 66-428, Revised Statutes Supplement, 1988, and sections 66-605, 66-1304, 66-1307, and 66-1307.01, Revised Statutes Supplement, 1989; to create a tax credit for ethanol production as prescribed; to change the rates of taxes on certain gasoline and motor vehicle fuels; to change a provision relating to membership on the Nebraska Gasohol Committee; to provide duties for the Department of Revenue; to provide for adjustments to the rates of taxes on motor vehicle and special fuels; to provide requirements for reformulated gasoline; to change a provision relating to membership on the Ethanol Authority and

Development Board; to provide for additional uses of the Ethanol Authority and Development Cash Fund; to require transfers from the fund as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 1141

The following changes, required to be reported for publication in the Journal, have been made:
ER6305

1. In the Warner amendment, AM3226, on page 1, line 14, "education" has been struck and "educational" inserted.
2. The matter beginning with "state" on page 1, line 1, through page 2, line 2, and all amendments thereto have been struck and "provide for submission to the electors of an amendment to the Constitution of Nebraska by adding a new section 14 to Article VII to establish the Nebraska Coordinating Commission for Postsecondary Education; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof." inserted.

Enrollment and Review Change to LR 239CA

The following changes, required to be reported for publication in the Journal, have been made:
ER6303

1. Because of the Chambers amendment, FA449, the Warner amendment, AM3023, has been struck.
2. In the E & R amendment, AM7187:

a. On page 1, line 4, "amendments" has been struck and "an amendment" inserted; in line 6 ", and by" has been struck and a period inserted; line 7 has been struck; in line 14 "amendments" has been struck and "amendment" inserted; and the matter beginning with "and" in line 16 through "are" in line 17 has been struck and "which is" inserted;

b. On page 11, lines 9 and 13, "amendments" has been struck and "amendment" inserted; in line 12 "propositions" has been struck and "proposition" inserted; and in line 14 "forms" has been struck and "form" inserted; and

c. On page 12, lines 3 through 8 have been struck; in line 9 "either of" has been struck; in line 10 "amendments" has been struck and "amendment" inserted; and in line 13 "or them" has been struck.

(Signed) Mary E. Sommermeyer

E & R Attorney

MESSAGES FROM THE GOVERNOR

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Today I signed and delivered to the Secretary of State LB 259 and LB 259A, the School Affiliation bill.

Because of the sincere fears expressed by a number of dedicated Nebraskans who have built strong Class I school districts, I reflected long and hard on this legislation. My decision was not an easy one to reach, and I listened closely at various stages in the legislative process to leaders on both sides of the issue. In the end, however, it was my "bottom line" concern for assisting rural Nebraska and for preserving the chance of country schools to keep offering a vital option to their families which led me to sign.

Without this bill, we would face a crisis with the July 1, 1991 sunset on non-resident tuition. Furthermore, LB 259 creates an innovative affiliation mechanism that is not now available to Class I school patrons who are looking for tools for the future. To be sure, there are many unknowns, and the "Phase III" funding provisions pose difficult legal questions as well.

On balance, my view is that LB 259 offers a workable solution to the divisive issue of school organization. It was developed over several years through the painstaking efforts of members of each type of school district found in rural Nebraska and with the active involvement of a number of agricultural groups as well as our state's varied education organizations. With four legislative sessions ahead of us before the implementation of Phase III, there will be numerous opportunities to modify this law, especially if any portion should prove damaging to quality learning opportunities for Nebraska children. Barring such surprises, Nebraska voters can be expected to take the Legislature at its work in the declaration that LB 259 closes the book on a century of conflict over school district organization.

It is my intention to continue to push rural revitalization aggressively. The three and a half years spent working on these complex issues have convinced me that we must do more to develop flexible approaches to the delivery of education in the majority of our beautiful state that is sparsely populated. With good will on the part of all, we can use the opportunity presented by this compromise legislation to build a great future for a very important part of Nebraska.

Sincerely,
(Signed) KAY A. ORR
Governor

April 4, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1125, 899, 260, 260A, 313, 313A, 488, 488A, 520, 567 and 567A were received in my office on March 29, 1990.

These bills were signed by me on April 4, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 4, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 663 and 663A were received in my office on March 30, 1990.

These bills were signed by me on April 4, 1990, and delivered to the Secretary of State.

Sincerely,

(Signed) KAY A. ORR
Governor

The Chair declared the call raised.

MOTION - Adjournment

Mr. Chambers moved to adjourn until 9:00 a.m., April 5, 1990.

Ms. Schimek moved for a call of the house. The motion prevailed with 18 ayes, 7 nays, and 24 not voting.

Ms. Schimek requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 17:

Ashford
Baack
Bernard-Stevens
Byars
Chambers
Haberman
Hannibal
Johnson, R.
Korshoj
Landis
Morrissey
Nelson
Schimek
Scofield
Warner
Wehrbein
Weihing

Voting in the negative, 27:

Abboud
Beck
Beyer
Conway
Coordsen
Crosby
Dierks
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wesely
Withem

Present and not voting, 3:

Barrett
Elmer
Moore

Excused and not voting, 2:

Chizek
Kristensen

The Chambers motion to adjourn lost with 17 ayes, 27 nays, 3 present and not voting, and 2 excused and not voting.

MOTION - Reconsider Action on LB 854

The pending Chambers motion to reconsider the Lindsay motion to overrule the Chair on the Bernard-Stevens amendment to the bracket motion to LB 854, was renewed.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Chambers motion to reconsider lost with 11 ayes, 20 nays, 17 present and not voting, and 1 excused and not voting.

MOTION - Recommit LB 854 to Committee

Mr. Chambers moved to recommit LB 854 to the Judiciary Committee.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. McFarland raised a point of order as to whether the motion to recommit to committee has priority over the motion to bracket.

The Chair overruled the point of order because of the Lindsay motion to overrule the Chair which prevailed, which in effect foreclosed any further motions to bracket.

Messrs. Ashford and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet tomorrow (April 5, 1990) noon (12:00) in Room 1003.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 1062A in the Journal. No objections. So ordered.

AM3097

1. Strike the original sections and all amendments thereto and insert the following new

sections:

"Section 1. The Legislature recognizes that:

(1) Nebraska's vast ground water resources are of immeasurable value to the social, environmental, and economic well-being of the citizens of the state;

(2) While Nebraska's ground water resources are generally of high quality, there has been a significant degradation of water quality in some areas of the state;

(3) In any area of the state which is experiencing or is likely to experience ground water quality problems, the natural resources district should take action to enhance and maintain the water quality, whether or not the area has been designated a special ground water quality protection area; and

(4) Funding assistance should be provided to those areas of the state that are experiencing or are likely to experience significant ground water quality problems.

Sec. 2. There is hereby created the Ground Water Quality Maintenance Fund which shall be administered by the department. The fund shall be used:

(1) To receive any state funds or federal or other funds transferred to the state for enhancing or maintaining the quality of ground water in the state;

(2) To provide funds to the natural resources districts, on a matching-fund basis, to aid their efforts to enhance or maintain ground water quality; and

(3) To provide funds to the department for its expenses in administering the fund.

No district shall be allocated more than ten percent of the money available in the fund in any fiscal year.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. (1) The council shall adopt and promulgate rules and regulations establishing guidelines and standards:

(a) For the training and certification of natural resources district personnel related to ground water sampling; and

(b) For the laboratory analysis of water samples collected by the districts to provide for quality assurance and uniform documentation of water quality data.

(2) The department shall:

(a) Provide training and technical assistance to the natural resources districts in identifying areas that are experiencing or are likely to experience ground water quality problems;

(b) Develop guidelines for ground water sampling;

(c) Provide training and certification of district personnel in proper water sampling techniques;

(d) Administer the Ground Water Quality Maintenance Fund, including approving plans submitted by the districts; and

(e) Provide testing of water samples collected by the districts and forwarded to the department to provide for quality assurance and uniform documentation of water quality data.

Sec. 4. In order for a natural resources district to receive money from the Ground Water Quality Maintenance Fund, the district shall:

(1) Submit to the department a comprehensive plan (a) identifying the area or areas in the district which are experiencing or are likely to experience ground water quality problems, (b) detailing the scope of the district's proposed water sampling and testing program, and (c) identifying the potential measures the district may implement to enhance or maintain the water quality in the area pursuant to the Nebraska Ground Water Management and Protection Act or identifying potential alternate water supplies for municipal or rural domestic use;

(2) Agree to use trained personnel certified by the department in proper water sampling techniques;

(3) Agree to utilize the department's laboratory, the Department of Health's laboratory, or a laboratory which complies with standards set pursuant to section 3 of this act;

(4) Agree to provide documentation of water quality data in a format consistent with department guidelines and data management needs; and

(5) Provide at least twenty-five percent of the funding necessary to implement the plan.

Sec. 5. That section 81-1532, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

81-1532. Sections 81-1501 to 81-1533 and sections 1 to 4 of this act shall be known and may be cited as the Environmental Protection Act.

Sec. 6. That original section 81-1532, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 1062 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3345.)

MOTION - Adjournment

Mr. Chambers moved to adjourn.

Mrs. Labedz moved for a call of the house. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Labedz requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 20:

Baack
Barrett
Bernard-Stevens
Byars
Chambers
Conway
Crosby
Elmer
Haberman
Hannibal
Korshoj
Landis
Morrissey
Nelson
Rogers
Schimek
Scofield
Warner
Weihing
Wesely

Voting in the negative, 26:

Abboud
Beck
Beyer
Coordsen
Dierks
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Withem

Excused and not voting, 3:

Ashford
Chizek
Wehrbein

The motion to adjourn lost with 20 ayes, 26 nays, and 3 excused and not voting.

The Chair declared the call raised.

MOTION - Recommit LB 854 to Committee

Mr. Bernard-Stevens offered the following amendment to the pending Chambers motion to recommit LB 854 to committee:
FA461
to amend the Chambers motion to recommit
to "recommit jointly to the Judiciary and Health and Human Services committees."

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 24 fourth grade students and teacher from Homer; 12 sixth grade students and teacher from Trinity Lutheran School, Lincoln; 100 fourth grade students and teachers from Fontanelle Elementary, Omaha; Group of Winners of Tree City Awards from Imperial; F.H.A. Group from Stapleton; Eldon and Elaine Lepp from Gothenburg; Elton and Carol Peterson from Stromsburg; and nine fourth grade Weblo Scouts and Scout Master from Auburn.

MOTION - Adjournment

Mr. Dierks moved to adjourn until 9:00 a.m., Thursday, April 5, 1990. The motion prevailed with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting, and at 11:32 p.m., the Legislature adjourned until 9:00 a.m., Thursday, April 5, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 5, 1990

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY - APRIL 5, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 5, 1990

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Pastor Jim McGaffen, Victory Outreach, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beyer, Byars, Chambers, Conway, Haberman, Hall, Hannibal, R. Johnson, Kristensen, Lindsay, Moore, Schmit, Withem, Mmes. Labedz, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

MESSAGES FROM THE GOVERNOR

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1031 with my signature but with specific line-item reductions. The listing attached to this letter provides you with the amounts and explanation for each of the reductions made to LB 1031.

We are again in the same position this year as we were last spring when I vetoed over $68 million from your spending proposals. It is again clear that the Legislature has passed many bills that cannot be accommodated within the minimum 3% reserve required. The reductions contained in LB 1031 are a part of the reductions that will be necessary to bring our budget into balance.

Among the reductions are many items that never went through the budget process and are not emergency in nature. In the biennial budget process we should refrain from making nonemergency appropriations in this off-budget year and maintain an orderly budget review process.

In order to keep our fiscal house in order and the continued integrity of the State, I urge you to sustain these vetoes.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrs
Attachment

LB1031-FY90 DEFICIT BILL (GENERAL FUND)**
SUMMARY OF GOVERNOR'S VETOES

Ag. No.	Name	L.B. Sec. No.	Description	FY90 General	FY91 General
3	Leg. Council	19	Phase II LB247 Study	30,000	
		19	Legis.-Video on Legis. Process		70,000
		19	Leg. Bd. Contract to Eval. Soc. Svs		50,000
		19	Study of State Retirement Systems	100,000	
5	Supreme Ct	21	Task Force on Gender Bias		25,000
13	Education	7	Distance Learning-Japanese II		132,232
		7	National Geographic Match Fds		20,760
16	Revenue	26	Revenue-Audit Implement Dealers		80,000
21	Fire Marshal	29	Emergency Fire Fighting Fund	100,000	
22	Insurance	30	Expansion of Regulatory Activities		**
23	Labor	31	Labor-Omaha Elevator Inspections		44,048
25	DPI	8	Mental Retardation Aid		2,225,124

		54	Complete Sewer, Fitzgerald Vets Home		35,000
26	Soc. Services	9	Transitional Benefit-AFDC Client		281,000
		9	Domestic Violence Program Aid	35,000	35,000
34	Library Comm.	35	Coordinators-Adult Literary Conf.	6,000	
49	College Bd.	41	Funds for Humanities Council	75,000	75,000
50	Colleges	67	KSC-Museum of Nebraska Art	395,000	
		42	WSC-Indian Community College Pos.		24,100
51	University	68	UNL-Greenhouse Renovation		900,000
		43	UNMC-Family Practice Residency-Partial	122,085	172,853
		43	Chinch Bug Specialist (LB1092)-Partial		24,000
		43	Poultry Veterinarian (LB1143)-Partial		37,163
		43	Potato Specialist (LB899)-Partial		25,000
52	Fair Bd	44	Fair Bd.-Antique Farm Machinery Comm.	5,000	
54	Hist. Coc.	45	Purchase Red Cloud Agency Ledger	7,500	
65	DAS	75	DAS-Complete Capitol Mural Program		95,000
70	Foster Care	48	New Supervisor Position		33,070
		48	Increased Travel		840
71	Aging	49	Increased Aid-Care Mgm't Prog.	46,200	108,900
		49	Incr. Aid-Comm Aging Services Act		212,000
		49	Incr. Aid-Comm Aging Services Act		255,000
LB1031 General Fund Veto Totals				921,785	4,961,090

**Cash Fund Reduction of $201,032
Attachment

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 520A with my signature but with line-item reductions.

LB 520 would establish a nursing scholarship program and a financial incentive program to attract nursing professionals to serve in less populated areas of Nebraska. The incentive program is acceptable to me at a reduced level of $30,000 for the year 1990-91 and $60,000 for 1991-92.

Funds for the scholarship portion in LB 520A have been vetoed, along with administrative funds for the Department of Health. The incentive program is well enough defined that current staff can manage without additional funds.

As has been indicated, my preferred approach for directing tuition assistance to students is the use of the scholarship programs administered by the Coordinating Commission for Post-secondary Education. As part of the deficit funding bill, I am approving $125,000 in new scholarship funds to each of the two programs administered by the Coordinating Commission for the year 1990-91.

The Scholarship Assistance Program, established last year and funded totally with State General Fund, allows governing boards the flexibility of setting aside specified amounts of funding to address manpower shortages, such as nursing. This approach assists students who wish to pursue nursing and other careers and does not take additional state funds for administration. As manpower needs change, the flexibility is available to adapt to those needs without abolishing one program and starting another.

In accordance with conversations with the sponsors of LB 520, I am prepared to request governing boards at both public and private institutions which have nursing programs to give attention to the set-aside potential permitted in the Scholarship Assistance Program. A copy of my letter to the Board of Regents is attached. Similar letters are ready to go to the other governing boards.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrj
Attachment

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 678 and LB 678A without my signature and with my objections.

LB 678 includes a number of proposals designed to improve services to children; unfortunately, it also includes an item that contradicts this goal. Specifically, LB 678 increases the number of children that may be cared for without a license from the Department of Social Services. This exclusion, which applies only to counties with a population fewer than 15,000, creates the impression that all children are not entitled to the same degree of State oversight. Also, the constitutionality of this provision is questionable.

In addition, LB 678 creates additional administrative problems in the regulation of child care facilities. The new requirement for an inspection within ninety days of licensure places an unreasonable burden on the State Fire Marshal and the Department of Social Services. Also, LB 678 creates a new division in the Department of Education called the "Division of Child Care and Early Childhood Education." As you may recall, LB 567 already passed by the Legislature created the "Early Childhood Training Center" in the Department of Education. It is not clear if these are the same entity and how they compare to the "Office of Child Development" already created administratively by the Commissioner of Education. Since LB 662, passed recently by the Legislature created a "Nebraska Commission on Families", it is reasonable to ask how all of these new bureaucratic entities will help in our attempts to coordinate services to children.

Finally the increase proposed for Title XX day care rates simply cannot be done in view of the Legislature's other financial commitments. You may recall that you included nearly three million dollars last year to increase Title XX day care rates to about eighty percent of market rates.

It is my constitutional responsibility to balance the State budget and maintain appropriate reserves.

Sincerely,
(Signed) KAY A. ORR
Governor

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1220 with my signature but with specific line-item reductions.

LB 1220 would provide partial funding for the addition to, and remodeling of the Eppley Science Hall at the University of Nebraska

Medical Center. The space would be used for expanding cancer research and related research programs. On June 15, 1991, of the balance existing in the University Facilities Construction Fund, $1,740,000 that at present is to be lapsed to the General Fund would instead be transferred to a newly-created University of Nebraska Eppley Science Hall Construction Fund.

This bill would substantially reduce the money available for the FY 91-93 Biennium. Moreover, the University has received an increase in excess of 50 percent in General Funds for operations during my administration. Included in those increases is $24 million for the first three years of my research initiative, which will ultimately total $60 million over the five year period. In addition, for the current biennium, over $34 million of State General Funds and Cigarette Tax Funds are appropriated to the entire University for various construction projects. This is certainly a significant amount.

My line-item reduction allows $475,000 to be transferred and spent on this project from State funds. This is a sufficient State contribution for the project. The Medical Center can reduce the scope of the project through more efficient design and planning, and more non-State funds can be used to complete the project.

I urge you to sustain this necessary and prudent reduction.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:jrd

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 164 and LB 164A without my signature and with my objections.

LB 164 would require the State Historical Society to take ownership of Joslyn Castle and provide for its maintenance. Last year the Legislature funded $50,000 to determine the costs of different preservation options and pay some of the interim utility costs. The architectural and engineering study identified major deferred maintenance needs and other expenses to make the facility useable.

Most remain to be done. Although the intent of LB 164 is to seek private financing, the final liability for any unmet capital or operating expenses would ultimately rest with the State taxpayer.

State ownership is not essential nor appropriate to the preservation goals for Joslyn Castle. The Joslyn Castle Reuse Study identified several ownership options and made clear the existing legal covenant governing the property's required upkeep and permitted uses.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:ssj

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1170e without my signature and with my objections.

LB 1170e would provide a $269,000 deficit appropriation from the General Fund for the current biennium to fully fund the statutory maximum number of students within the Nebraska National Guard Tuition Credit program. The bill proposes to revert the Military tuition assistance program back into an entitlement benefit, with little regard for future costs. You will recall that this program was a true entitlement only until the passage of LB 267 in 1983 and that, because of cost considerations, the legislature further restricted the program in both 1986 and 1987.

Under federal and Nebraska law, it is possible for some Guard members to receive multiple educational benefits while others receive little or no assistance. In addition to the State's 75 percent tuition credit reimbursement, many students also qualify for both the federal "G.I. Bill" and the National Guard Student Loan Repayment Program. To make for more educational equity, the State's National Guard Tuition Credit program should be utilized to provide benefits to those Guard members who are not eligible for any federal educational assistance.

Furthermore, with my approval of LB 1031, Nebraska's state aid programs for all needy students will be expanded significantly for the third year in a row. Guard members will also be able to utilize this source of tuition assistance, and college financial aid offices will have flexibility to assist in providing continuity. The maximum utilization of these various scholastic benefit programs is given further impetus by the 25 percent federal budget cut and unfortunate-but-expected personnel reductions being proposed for the Nebraska National Guard in FY93 by the President. Nebraska's program was originally intended as a tool to combat low recruitment figures -- a tool that appears to be unnecessary for the present.

I believe it would be most appropriate at this time for the Legislature to consider an interim study of the most efficient use of funds appropriated to this program. A review of the program will also be conducted by my staff this summer.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:kf

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 536 without my signature and with my objections.

LB 536 would provide an additional Aid to Dependent Children benefit for persons who become ineligible for benefits because of earned income. The additional payment of one-half the regular benefit would be a single payment, funded entirely by the State General Fund.

Unfortunately, the total amount of spending approved by the Legislature does not allow for discretionary items such as this. The Members should be aware of several improvements in benefits that have been approved in previous sessions. For example, LB 362 last year increased the duration of special medical and child care benefits for persons who participated in job support activities. That expansion was an improvement to LB 518 of 1988 which also increased the Aid to Dependent Children payment levels.

Perhaps a continuation of our economic growth in the future will enable the Legislature to examine these benefits as part of a total spending package.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:pb:gs

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1126 without my signature and with my objections.

LB 1126 would increase the rate for Medicaid personal care aides from current $3.35 per hour to $5.00 per hour. As you know, effective April 1, 1990, the minimum wage has gone up to $3.80 per hour and next year it will be increased to $4.25 per hour.

The valuable services rendered by the caregivers are recognized by me, however, it isn't a good public policy to increase payment rates selectively for certain caregivers only. A number of priorities have been identified this legislative session and it just is not possible to fund them all and balance the budget.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:pb:gs

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 898e without my signature and with my objections.

LB 898e seeks $100,000 in FY90-91 and $4.3 million in State funds over the next four years for the development of a Trailside Complex, proposed to be a branch of the University of Nebraska State Museum, and renovation of existing facilities at Fort Robinson State Park. The bill would also appropriate $190,000 in FY89-90 for planning money for a public events center and headquarters building at the University of Nebraska Agricultural Research and Development Center at Mead.

Stable funding and expenditures are both necessary components of a responsible budgeting process, and the State has implemented specific procedures in order to maintain this needed stability. Both the Trailside Complex and the Mead headquarters building are worthy projects that probably should be fully supported by the State of Nebraska at some time in the future. However, as representatives of the citizens of this state and as guardians of Nebraska's public financial resources, I do not believe that we can responsibly commit money for these projects at this time.

No deficit request for the biennium was made for either of these projects. Moreover, the Board of Regents placed the Mead project very low on their capital construction priority list for the University, and the Trailside Complex did not appear on this list at all. These construction projects are not currently among the Regents' high priorities, and until they are, and until the State can responsibly budget and pay for them, this construction must be postponed.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:kf

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 163 and LB 163A without my signature and with my objections.

The sincere environmental concerns behind LB 163 are very laudable, but several problems in the bill would hamper its effectiveness. The first is that LB 163 fails to build upon past work commissioned by the Legislature. An assessment of solid waste disposal sites required by LB 639 passed in 1987, and a recent follow-up study of five landfills clearly showed that the State's most pressing solid waste issue involves correcting past mistakes in the siting and closure of dumps. LB 163 in its present form allows the use of grant money for closure, but does not authorize its use for remediation. If the State is to levy new taxes for solid waste and appropriate those proceeds along with $1,000,000 of general funds, then one of the highest priorities must be ground water contamination resulting from existing dumps.

Another problem is the legal and administrative difficulty of squaring Section 9 of the bill with existing law. Section 9 directs the Environmental Control Council to adopt solid waste regulations that fully comply with the latest EPA guidelines, but Section 81-1528 (6) exempts cities of the second class and villages from such regulations. Allowing LB 163 to become law in its present form would create confusion over the legal status of the landfills operated by 94% of the State's municipalities. In addition, the EPA has not yet promulgated the new landfill criteria. It is imprudent to set a direction for solid waste management without knowledge of the overriding effect of these regulations.

Finally, LB 163 would impose new taxes on businesses and tires. The problem of solid waste management is one created by all of society. A narrow tax on industries or products is inappropriate and as such, it will be my desire that this issue be approached in the next legislative session with general fund monies and with a focus broader than solid waste disposal alone.

Because of the forgoing shortcomings in LB163, I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I have returned LB 503 and LB 503A without my signature and with my objections.

LB 503 and LB 503A increase the salaries of State Constitutional Officers and appropriates funds to carry out those provisions.

There are many worthwhile programs that are being vetoed due to budget constraints. Constitutional Officers must share in these efforts to keep state spending to a minimum.

Sincerely,
(Signed) KAY A. ORR
Governor

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 662 and LB 662A without my signature, and with my objections.

LB 662 establishes a Nebraska Commission on Families to be responsible for a number of activities relating to the implementation of the Family Policy Act and the Family Services Incentive Act. Also the bill creates a State Incentive Grant program for the communities and designates the Center on Children, Families and the Law at the University of Nebraska-Lincoln as the entity responsible for the development, monitoring coordination and administration of a statewide multi-purpose training program to meet the needs of individuals providing services to children and families.

My veto of the bills is based on the following reasons:

1. The creation of a commission is unnecessary at this time as it adds another layer of bureaucracy to the administratively established system of coordinating agencies and programs serving children and families. The Director of my Children and Family Policy Office is charged with the specific work scope similar to what is proposed in the bill for the commission.

2. The Department of Social Services already has an appropriation of $160,000 for FY 1990-91 for the incentive grants to the communities. The effectiveness of the program must be evaluated before state's financial commitment to the grant program is increased by one hundred percent for the same period.
3. The designation of the Center as the sole monitor of training is too restrictive. This approach prohibits other providers from active participation in the prescribed training process.

The desire to serve the needs of Nebraska's children and families and to receive input from those outside the executive branch is shared by me. However, the members of the Legislature should be aware of the activities undertaken by my administration. A network of community teams is being developed for families both current and those newly funded with incentive grants. These teams will be a significant source input on policy and issues and represent a far greater constituency than a single commission. The first round of incentive grants have been awarded to the communities across the State and training consortium is being developed.

A recent correspondence from Father Val Peter, Executive Director of Boy's Town has convinced me that the current administrative arrangement of addressing the needs of children and families is far more advantageous than the proposed structure. Father Val Peter is nationally recognized for his expertise and knowledge in the area of services to children. He has stated that "the commission on families threatens to diminish the effectiveness of the Children and Family Office and that designating the UNL as the sole entity responsible for the training program would bar other, even better qualified programs from active participation in the prescribed training process."

In addition, the Legislature has identified a number of priorities this session and it just is not possible to fund them all and balance the budget.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:pbj

April 4, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 187 and LB 187A without my signature and with my objections.

LB 187 would transfer from the counties to the State the responsibility for medical costs for indigent persons and jail inmates. While the bill includes a statutory cap on medical expenditures of $7,200,000 per year, the Department of Social Services has estimated that actual billings would be much higher. LB 187 proposes to prorate expenses on a quarterly basis, although the actual mechanism is not clear. Presumably the Department would have to accumulate all billings for each quarter, total them, and only after all expenses were received would the payments begin on a reduced basis. The administrative costs of the program would be substantial, partially because the State's payment system must be modified to accommodate LB 187's restrictions on the types of allowable services.

The Members of the Legislature should be aware of the history involved in the administration of medical programs for the poor. In the early nineteen eighties, the counties agreed that administration of indigent care be retained under their control. Since the State assumed the full costs for Medicaid in 1986, many millions of property tax costs have been assumed by the State. Just last year the Legislature passed LB 362 which transferred responsibility for emergency assistance programs from the counties to the State.

While there has been an argument made that LB 187 represents property tax relief, this measure is not equitable in that regard. It is likely that the benefits of LB 187 would be concentrated in the larger counties in which Medicaid expenditures are made.

Since the Legislature has approved an amount of expenditures that does not allow for required reserve requirements, it is my obligation to reduce appropriations so that a sound fiscal standard can be maintained.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:pb:jl

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 1852: Board of Public Roads Classifications and

Standards - Marvin Athey, William Lindholm, and Robert Stutzman; Motor Vehicle Industry Licensing Board - Mike Gorges.

Voting in the affirmative, 26:

Baack
Barrett
Chizek
Crosby
Dierks
Elmer
Goodrich
Hartnett
Hefner
Johnson, L.
Korshoj
Lamb
Landis
Langford
Lynch
McFarland
Nelson
Peterson
Robak
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 6:

Beck
Bernard-Stevens
Coordsen
Morrissey
Pirsch
Rogers

Excused and not voting, 17:

Abboud
Ashford
Beyer
Byars
Chambers
Conway
Haberman
Hall
Hannibal
Johnson, R.
Kristensen
Labedz
Lindsay
Moore
Schmit
Smith
Withem

These appointments were confirmed with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

MOTION - Suspend Rules

Mr. Lynch moved to suspend the rules, Rule 4, Section 5, and adopt LRs 401, 402, 403, 404, 405, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, and 420.

The Lynch motion to suspend the rules and adopt all of the above resolutions was adopted with 31 ayes, 0 nays, 3 present and not voting, and 15 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Barrett asked unanimous consent to have all the senator's names added as co-introducers to LB 420. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 419. Read. Considered.

Mr. Chizek asked unanimous consent to have his name withdrawn as co-introducer to LR 419. No objections. So ordered.

Mr. Warner offered the following amendment:
FA462
2nd whereas paragraph - strike "to encourage ConAgra Inc." and "its"
3rd whereas paragraph - strike "ConAgra Inc. and other"
4th whereas paragraph - strike the entire paragraph
6th whereas paragraph - strike the entire paragraph
7th whereas paragraph - strike "ConAgra Inc." and insert "Nebraska Business"
1st Resolved paragraph - strike "calls on" and insert "encourages"

SPEAKER BARRETT PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wesely requested a record vote on the Warner amendment.

Voting in the affirmative, 28:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Conway
Crosby
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Langford
Nelson
Peterson
Pirsch
Smith
Warner
Wehrbein
Weihing

Voting in the negative, 11:

Chambers
Chizek
Dierks
Korshoj
Landis
Lindsay
McFarland
Schellpeper
Schimek
Wesely
Withem

Present and not voting, 6:

Coordsen
Morrissey
Robak
Rogers
Scofield
Lynch

Excused and not voting, 4:

Beyer
Hall
Moore
Schmit

The Warner amendment was adopted with 28 ayes, 11 nays, 6 present and not voting, and 4 excused and not voting.

Mr. McFarland moved to indefinitely postpone LR 419.

Mr. McFarland withdrew his motion to indefinitely postpone.

Mr. Wesely asked unanimous consent to pass over LR 419. No objections. So ordered.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 720.

A BILL FOR AN ACT relating to paupers; to amend section 68-1207, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the Director of Social Services; to provide for additional staff for child welfare services; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Johnson, R.
Korshoj
Kristensen
Lindsay
McFarland
Morrissey
Nelson

Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Weihing
Wesely
Withem

Voting in the negative, 4:

Hefner
Lamb
Langford
Peterson

Present and not voting, 7:

Chambers
Chizek
Johnson, L.
Labedz
Landis
Lynch
Wehrbein

Excused and not voting, 4:

Beyer
Moore
Schmit
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 720A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 720, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Johnson, R.
Korshoj
Kristensen
Landis
Lindsay
McFarland
Morrissey
Nelson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Smith
Weihing
Wesely
Withem

Voting in the negative, 3:

Hefner
Lamb
Peterson

Present and not voting, 9:

Chambers
Chizek
Johnson, L.
Labedz
Langford
Lynch
Rogers
Schmit
Wehrbein

Excused and not voting, 3:

Beyer
Moore
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 834.

A BILL FOR AN ACT relating to retirement; to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943; to change the age for voluntary membership in the State Employees Retirement System; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Hannibal
Scofield

Excused and not voting, 3:

Beyer
Moore
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 851

Messrs. Withem, Landis, and Lindsay withdrew their pending amendment, AM2620, found in the Journal on page 901, to LB 851.

MOTION - Return LB 851 to Select File

Mr. Hartnett moved to return LB 851 to Select File for the following specific amendment:
FA463
Strike the enacting clause.

Mr. Hartnett withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 851.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4603.01, Revised Statutes Supplement, 1989; to provide for service taps along a pipeline as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Chizek

Present and not voting, 1:

Conway

Excused and not voting, 2:

Beyer
Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 855.

A BILL FOR AN ACT relating to animal damage control; to amend section 81-2,236, Reissue Revised Statutes of Nebraska, 1943; to provide for funding of the state's animal damage control program; to state intent; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Weihing
Wesely
Withem

Voting in the negative, 4:

Hannibal
Johnson, L.
Schimek
Warner

Present and not voting, 4:

Chambers
Langford
Peterson
Scofield

Excused and not voting, 3:

Beyer
Moore
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 855A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 855, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Warner
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers
Langford
Peterson
Scofield

Excused and not voting, 2:

Moore
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 896

Messrs. Lynch and Withem withdrew their pending amendment, AM2668, found in the Journal on page 1036, to LB 896.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 896.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Revised Statutes Supplement, 1988; to provide for the Tax Commissioner to enter into an agreement with the United States Office of Personnel Management to withhold income tax on certain federal annuity payments as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Moore
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 896A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 896, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Barrett
Langford

Excused and not voting, 2:

Moore
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 923. With Emergency.

A BILL FOR AN ACT relating to asbestos; to amend sections 71-6301, 71-6302, and 71-6312, Revised Statutes Supplement, 1988; to redefine terms; to exempt certain business entities from obtaining a license to engage in an asbestos project; to provide a penalty for business entities which use employees who do not hold certificates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Morrissey

Excused and not voting, 2:

Moore
Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 960 to Select File

Mr. Lamb moved to return LB 960 to Select File for his specific amendment, AM3237, found in the Journal on page 1763.

Mr. Lamb withdrew his motion to return.

Mr. Lamb withdrew his pending amendment, AM3238, found in the Journal on page 1764.

Mr. Korshoj asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved to return LB 960 to Select File for the following specific amendment:
FA464
Strike the enacting clause.

Mr. Withem withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 960. With Emergency.

A BILL FOR AN ACT relating to school restructuring; to state intent; to establish a commission; to provide powers and duties; to authorize waiver of barriers to restructuring; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Chambers
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schimek
Scofield
Smith
Warner
Weihing

Wesely
Withem

Voting in the negative, 2:

Lamb
Schmit

Present and not voting, 7:

Beck
Byars
Coordsen
Johnson, R.
Langford
Peterson
Schellpeper

Excused and not voting, 4:

Chizek
Korshoj
Moore
Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 960A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 5:

Beck	Byars	Coordsen	Langford	Peterson

Excused and not voting, 3:

Korshoj	Moore	Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Messrs. McFarland and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 980. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-106, 60-107, 60-107.01, 60-112, and 60-114, Reissue Revised Statutes of Nebraska, 1943, sections 75-364 and 75-366, Revised Statutes Supplement, 1988, and sections 60-462, 60-467, 60-480, 60-4,119, 60-4,122, 60-4,131, 60-4,133, 60-4,134, 60-4,138, 60-4,141, 60-4,142, 60-4,145, 60-4,146, 60-4,148, 60-4,149, 60-4,150, 60-4,156, 60-4,168, 75-302, 75-307, 75-311, 75-358, 75-363, 79-328, and 79-488.06, Revised Statutes Supplement, 1989; to change provisions relating to the issuance and form of certificates of title; to authorize certain contracts; to define and redefine terms; to change and eliminate provisions relating to licenses, permits, and endorsements to operate a school bus; to change provisions relating to commercial driver's licenses and learner's permits; to provide a duty for counties; to provide for and change applicability of penalties; to require certain carriers to comply with certain rules and regulations of the Public Service Commission as prescribed; to change provisions relating to the federal Motor Carrier Safety Regulations and the federal Hazardous Material Regulations; to provide for enforcement of motor carrier laws, rules, and regulations; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 60-4,136 and 60-4,147, Revised Statutes Supplement, 1989; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Korshoj

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 720, 720A, 834, 851, 855, 855A. 896, 896A, 923, 960, and 960A.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 980A to Select File

Mr. Schmit moved to return LB 980A to Select File for his specific amendment, AM3222, found in the Journal on page 1762.

Mr. Schmit withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 980A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1989, LB 813, section 27; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 980, Ninety-first Legislature, Second Session, 1990; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Moore
Schimek

Excused and not voting, 1:

Korshoj

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 423. Introduced by Barrett, 39th District.

WHEREAS, the Village of Sumner was established in 1890 and named for Senator Charles Sumner of Massachusetts; and

WHEREAS, Sumner is located in the fertile, narrow Wood River Valley in the northeast corner of Dawson County; and

WHEREAS, Sumner was platted in June 1890 by surveyor C. A. Edwards who had homesteaded north of Sumner in Park Valley; and

WHEREAS, the founders of Sumner and their descendents, including the residents of Sumner today, have strived and continue to strive to keep the Village of Sumner alive and thriving; and

WHEREAS, the Village of Sumner is celebrating its centennial July 1-4, 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the residents of Sumner, Nebraska, on their centennial.
2. That a copy of this resolution be sent to Carol Hoos, Sumner, Nebraska 68878, Chairperson of the Sumner Centennial Committee.

Laid over.

VISITORS

Visitors to the Chamber were Arnie and Nancy Stuthman from Platte Center; 66 fourth grade students and teacher from Hillside School, Omaha; 83 eighth grade students and teacher from St. Pius and St. Leo, Omaha; Friendly Farm Ladies from Avoca; Ken and Helen Witt; Gary and Margo Biba from Geneva; 40 fourth grade students and teachers from Seymour, Omaha; and Edward Otake and Tamiyoshi Tachibana.

RECESS

At 12:08 p.m., on a motion by Mr. Hannibal, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Coordsen, Hannibal, L. Johnson, R. Johnson, McFarland, Moore, Schmit, Warner, Wehrbein, Mmes. Labedz, Langford, Robak, Mses. Schimek, and Scofield who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1990, at 12:25 p.m., were the following bills: 720, 720A, 834, 851, 855, 855A, 896, 896A, 923, 960, and 960A.

(Signed) Jan Loder, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 994.

A BILL FOR AN ACT relating to health care; to state intent; to create the Office of Rural Health within the Department of Health and to provide powers and duties for such office; and to provide duties for the Commission on Rural Health Manpower.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Korshoj
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Schellpeper
Smith
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 15:

Ashford
Coordsen
Hannibal
Johnson, L.
Johnson, R.
Labedz
Langford
McFarland
Moore
Robak
Schimek
Schmit
Scofield
Warner
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 994A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Korshoj
Kristensen
Lamb
Landis
Lindsay
Lynch
Morrissey
Nelson
Peterson
Pirsch
Schellpeper
Schimek
Smith
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 15:

Ashford
Chizek
Coordsen
Hannibal
Johnson, L.
Johnson, R.
Labedz
Langford
McFarland
Moore
Robak
Schmit
Scofield
Warner
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1043 to Select File

Messrs. Lindsay and Chambers moved to return LB 1043 to Select File for the following specific amendment:
FA465
Strike the enacting clause.

Messrs. Lindsay and Chambers withdrew their motion to return.

Mrs. Pirsch moved to return LB 1043 to Select File for the following specific amendment:
FA466
Strike the enacting clause.

Mrs. Pirsch withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1043.

A BILL FOR AN ACT relating to public building commissions; to amend section 13-1303, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the corporate existence of such commissions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith

Weihing
Wesely
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Beck
Hannibal
Korshoj
Peterson
Pirsch
Wehrbein

Excused and not voting, 5:

Coordsen
Labedz
Moore
Scofield
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. R. Johnson and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 953.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 81-2025 and 81-2026, Revised Statutes Supplement, 1989; to change provisions relating to retirement benefits and annuities as prescribed; to increase certain payments to survivors as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Peterson
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 1:

Pirsch

Present and not voting, 5:

Ashford	Chambers	Hannibal	Korshoj	Nelson

Excused and not voting, 7:

Coordsen	Labedz	Scofield	Warner	Wesely
Johnson, R.	Moore			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 369. With Emergency.

A BILL FOR AN ACT relating to vehicles; to amend sections 39-666, 39-6,177, 39-6,180, 60-102, 60-103, 60-104, 60-106, 60-302, 60-305.03, 60-311, and 60-2138, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,100, 60-301, 60-305.09, 60-4,122, and 60-4,127, Revised Statutes Supplement, 1989; to change and eliminate provisions relating to livestock forage vehicles; to provide an exception for overwidth vehicles as prescribed; to change provisions relating to the maximum gross load of certain vehicles; to require the affixing of the vehicle identification number prior to sale or other disposition of certain vehicles; to change provisions relating to certificates of title and provide for permanent license plates for apportionable vehicles; to provide for collection and disbursement of fees; to provide for nontransferable certificates of title for stolen vehicles; to redefine terms; to change provisions relating to motorcycle operator's licenses; to provide an additional use for certain funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Excused and not voting, 5:

Coordsen
Labedz
Moore
Scofield
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 401, 402, 403, 404, 405, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, and 420.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 369A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 369, Ninety-first Legislature, Second Session, 1990; to authorize certain transfers of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Nelson
Smith

Excused and not voting, 4:

Coordsen
Labedz
Moore
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1018.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-101, Reissue Revised Statutes of Nebraska, 1943; to make it unlawful to discharge firearms at certain buildings, motor vehicles, and aircraft; to define terms; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Ashford
Beck
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch

McFarland
Morrissey
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 5:

Baack
Barrett
Bernard-Stevens
Chambers
Haberman

Present and not voting, 3:

Nelson
Schimek
Smith

Excused and not voting, 3:

Coordsen
Moore
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB 1090

Mr. Hall withdrew his pending amendments, AM3144, found in the Journal on page 1771, and AM3297, printed separately from the Journal and referred to on page 1805, to LB 1090.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1090.

A BILL FOR AN ACT relating to schools; to amend sections 77-913, 79-312, 79-330, 79-408.03, 79-458, 79-470, 79-504, 79-601, 79-1001.01, 79-1004, 79-1006, 79-1247.06, 79-1303, 79-1304, 79-1307, 79-1415, 79-1416, 79-1418 to 79-1423, 79-1428, 79-1429, 79-2210.02, 79-2210.03, 79-3315, 79-3322, and 79-3345, Reissue Revised Statutes of Nebraska, 1943, sections 79-4,140.10, 79-4,140.13, and 79-802, Revised Statutes Supplement, 1988, and sections 79-426.05, 79-451, 79-701, 79-1247.05, 79-1302, 79-1306, 79-1331, and 79-3505, Revised Statutes Supplement, 1989; to change disbursement provisions of the Insurance Tax Fund; to change provisions relating to the enumeration of children for the school census and certain reports; to restate ages as prescribed; to provide for the filing of an oath as prescribed; to provide for Educational Technology Satellite Centers; to provide powers and duties for the centers and the State Department of Education; to change provisions relating to meetings of the board of education of a Class V school district; to provide for temporary certificates for teachers and administrators as prescribed; to change a provision relating to the first issuance of a teaching certificate as prescribed; to provide for the distribution of school funds to school districts as prescribed; to provide for the Adult Education Program in the State Department of Education; to change provisions relating to vocational education; to change times for publication of budgets for educational service units; to change provisions relating to the publication of a report; to change provisions relating to age requirements for eligibility under the Special Education Act; to change provisions relating to transportation under such act; to change review requirements of special education programs; to eliminate a certification date from the Help Education Lead to Prosperity Act; to eliminate provisions relating to the Adult Immigrant Educational Division, apportionment of school funds, payments to districts, and a report by the State Board of Vocational Education; to harmonize provisions; and to repeal the original sections, and also sections 79-471, 79-1368, 79-1417, and 79-1435, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Rogers
Schellpeper
Schimek
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 5:

Hannibal
Robak
Schmit
Warner
Wesely

Present and not voting, 3:

Beyer
Peterson
Scofield

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1090A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1090, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Schellpeper
Smith
Weihing
Withem

Voting in the negative, 10:

Crosby
Hannibal
Johnson, R.
Labedz
Lamb
Langford
Robak
Schmit
Warner
Wesely

Present and not voting, 7:

Beyer
Byars
Peterson
Rogers
Schimek
Scofield
Wehrbein

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 315.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Reissue Revised Statutes of Nebraska, 1943; to change weekly benefit amounts; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. R. Johnson and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 551.

A BILL FOR AN ACT relating to laboratories; to adopt the Clinical Laboratories Certification Act; to provide operative dates; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Schellpeper

Present and not voting, 2:

Lamb
Peterson

Excused and not voting, 2:

Johnson, R.
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 551A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 551, Ninety-first Legislature, Second Session, 1990; to require a transfer of funds and a study as prescribed; and to provide duties for the Department of Health.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Langford
Peterson
Schellpeper

Excused and not voting, 2:

Johnson, R.
Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Lynch and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 920.

A BILL FOR AN ACT relating to revenue; to create the Public Safety Cash Fund and the Personal Property Tax Reimbursement Fund; to provide for the funding, distribution, and investment of the funds; to require the State Treasurer to transfer certain funds as prescribed; and to appropriate funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars

Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Landis
Langford
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 4:

Labedz
Lamb
Schmit
Wesely

Present and not voting, 3:

Chambers
Lindsay
Peterson

Excused and not voting, 2:

Johnson, R.
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Coordsen and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

WITHDRAW - Amendments to LB 931

Mr. Baack withdrew his pending amendments, AM3152, AM3176, AM3174. and AM3175, found in the Journal on pages 1586, 1634, and 1636, to LB 931.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 931.

A BILL FOR AN ACT relating to elections; to amend sections 16-305, 17-108.02, 19-613, 32-503.01, 32-1037, and 70-624.04, Reissue Revised Statutes of Nebraska, 1943; to permit a person serving in certain elective offices to serve in more than one such office as prescribed; to provide exceptions; to define a term; to eliminate a provision providing when a vacancy in office occurs; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Crosby
Dierks
Elmer
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beyer
Conway
Goodrich

Excused and not voting, 4:

Coordsen
Johnson, R.
Lynch
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1063.

A BILL FOR AN ACT relating to the Department of Social Services; to authorize the sale and conveyance of certain property; and to provide for the use of the income resulting from such sale.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Nelson

Excused and not voting, 4:

Coordsen
Johnson, R.
Lynch
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1063A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1063, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
McFarland
Moore

Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Hall
Morrissey
Nelson

Excused and not voting, 5:

Coordsen
Johnson, R.
Labedz
Lynch
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Bracket LB 1241

Mrs. Pirsch moved to bracket LB 1241 until April 10, 1990.

Messrs. Withem and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 980, 980A, 994, 994A, 1043, 953, 369, 369A, 1018, 1090, 1090A, 315, 551, 551A, 920, 931, 1063, and 1063A.

MOTION - Bracket LB 1241

The Pirsch pending motion to bracket LB 1241 until April 10, 1990, was renewed.

SPEAKER BARRETT PRESIDING

Ms. Schimek, Messrs. Hall and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion lost with 6 ayes, 7 nays, and 36 not voting.

Messrs. Withem, Lindsay, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch withdrew her pending motion to bracket.

MOTION - Return LB 1241 to Select File

Mrs. Labedz moved to return LB 1241 to Select File for the following specific amendment:
(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2892.)

Messrs. Ashford, Goodrich, Chizek, Landis, and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HEFNER PRESIDING

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

PRESIDENT NICHOL PRESIDING

Mr. Goodrich requested a roll call vote on the Labedz motion to return to Select File.

Voting in the affirmative, 25:

Beck
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Goodrich
Haberman
Hartnett
Hefner
Johnson, L.
Korshoj
Labedz
Lamb
Langford
McFarland
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein

Voting in the negative, 6:

Baack
Landis
Morrissey
Warner
Weihing
Wesely

Present and not voting, 8:

Abboud
Barrett
Elmer
Hannibal
Kristensen
Moore
Nelson
Schimek

Excused and not voting, 10:

Ashford
Bernard-Stevens
Chambers
Chizek
Hall
Johnson, R.
Lindsay
Lynch
Scofield
Withem

The Labedz motion to return to Select File prevailed with 25 ayes, 6 nays, 8 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Conway asked unanimous consent to print the following amendment to LB 1141 in the Journal. No objections. So ordered.

AM3371

(Amendments to Final Reading copy)

1. On page 2, line 9, after "which" insert ", notwithstanding any other provision in the Constitution."; strike beginning with "which" in line 11 through line 12 and insert ". Nothing in this section providing for statewide coordination shall be construed to limit or require the use of property tax revenue by and for community colleges."; in line 13 strike "mean" and insert "include"; in line 15 strike "capital construction."; in line 16 strike "other common" and insert "capital construction and other"; and in line 17 after "functions" insert "which the institutions have in common".

2. On page 3, strike beginning with "No" in line 5 through line 6.

Mr. Conway asked unanimous consent to print the following amendment to LR 239CA in the Journal. No objections. So ordered.

AM3370

(Amendments to Final Reading copy)

1. On page 1, line 15, after "which" insert ", notwithstanding any other provision in the Constitution.".

2. On page 2, line 1, strike "governed by a board of trustees"; and in line 6 strike "common" and insert "capital construction and other" and after "functions" insert "which the institutions have in common. Nothing in this section providing for statewide coordination shall be construed to limit or require the use of property tax revenue by and for community colleges".

APPROPRIATIONS COMMITTEE REPORTS

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes of LB 1031. Subsequent to the review, the Committee has, by a 7 to 0 to 2 vote, decided to recommend no overrides of the Governor's line-item vetoes except for an override of $467,000 General Funds for FY 1990-91 contained in section 49, subsection (2), for aid, Community Aging Services Act.

MOTION - Override Line-Item Veto on LB 1031

I move, pursuant to Rule 6, section 14, that the Governor's line-item veto of LB 1031 contained in section 49, subsection (2), for $467,000 General Funds in FY 1990-91 for aid, Community Aging Services Act, be overridden.

(Signed) Jerome Warner, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 424. Introduced by Lindsay, 9th District; Morrissey, 1st District.

WHEREAS, concern for the use and preservation of the natural resources of the earth should be a paramount concern; and

WHEREAS, Earth Day will be observed on April 22 and celebrated by many groups of Nebraskans who share the concerns of protecting and preserving the environment; and

WHEREAS, the international theme of Earth Day 1990 is "Think globally, act locally" and provides an encouragement for citizens to recognize the importance of individual decisions and actions in protecting the beauty and improving the purity of the natural environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the efforts of individuals and groups in strengthening society's awareness of the importance of natural resources and environment in the observance of Earth Day on April 22, 1990.

2. That a copy of this resolution be presented to be read at the Earth Day observances to be held in Omaha on April 22, 1990.

Laid over.

LEGISLATIVE RESOLUTION 425. Introduced by Landis, 46th District; Warner, 25th District; Hall, 7th District.

WHEREAS, the Ninety-first Legislature, Second Session, 1990, passed and Governor Orr signed into law Legislative Bill 272A, Second Session, 1990, appropriating funds for depositors of three failed financial institutions, American Savings, Commonwealth Savings Company, and State Securities; and

WHEREAS, the appropriation in LB 272A was $16.9 million for FY1989-90 and $16.9 million for FY1990-91 to reimburse depositors of the three failed financial institutions; and

WHEREAS, LB 272A passed without the emergency clause and only the appropriation for FY1990-91 will be effective; and

WHEREAS, LB 272A states that "successor companies and receivers shall be subject to the supervision of the department in order to ensure that the appropriations to the department are distributed fairly and in equal proportions among all depositors" and any distribution method that does not provide reimbursement for the unrecovered loss of guaranteed deposits of any depositor of any of the failed financial institutions will frustrate this clearly stated public purpose; and

WHEREAS, the legislative history of LB 272A makes it clear that the proponents of the bill uniformly maintained that the depositors of all three failed institutions were to receive equitable treatment in the payment of their claims and that depositors of the three failed financial institutions were to receive payments; and

WHEREAS, any method of distribution that does not provide payment to all depositors of all three failed financial institutions in proportion to the amount of unrecovered loss of guaranteed deposits borne by each depositor is not a fair and equitable method of distribution; and

WHEREAS, it was the intent of the Legislature in passing LB 272A without the emergency clause that the appropriation of $16.9 million for FY1990-91 be distributed to the depositors of all three financial institutions in proportion to the unrecovered loss of guaranteed deposits borne by each depositor; and

WHEREAS, since the passage of LB 272A without the emergency clause effectively appropriated approximately one-half the amount necessary to fully reimburse all depositors of all three failed financial institutions for their unrecovered loss of guaranteed deposits, it is the intent of the Legislature that each and every depositor shall receive approximately one-half of the amount he or she would have received had the entire $33.8 million been appropriated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature offers this resolution as an expression of legislative intent for LB 272A.
2. That a copy of this resolution be sent to the Governor and to the Director of Banking and Finance.

Laid over.

LEGISLATIVE RESOLUTION 426. Introduced by Appropriations Committee: Warner, 25th District, Chairperson; Ashford, 6th District; Hannibal, 4th District; L. Johnson, 15th District; Langford, 36th District; Moore, 24th District; Schimek, 27th District; Scofield, 49th District; Wehrbein, 2nd District.

WHEREAS, pursuant to the provisions of sections 85-404 and 85-408, the plans for construction, financing, and use of existing Student Fees and Facilities Revenue Bond funds for the construction of Phases I and II of a campus recreation/athletic facility on the University of Nebraska-Lincoln campus were approved in 1987 by Legislative Resolution 69 as adopted by the Ninetieth Legislature; and

WHEREAS, Legislative Resolution 69 approved Phase III of the project but required that should the University of Nebraska elect to issue revenue bonds for Phase III, there would be a supplement to the financing plans submitted for specific approval by the Legislature pursuant to section 85-404; and

WHEREAS, the University of Nebraska has submitted financing plans for Phase III which provide for the issuance of bond anticipation notes in an amount not to exceed $4,925,000. These notes would be refunded by the issuance of revenue bonds under the 1964-66 University of Nebraska Student Fees and Facilities Revenue Bond Resolution. If more favorable bond conditions prevail at the time financing is conducted, the financing plans would not involve issuing bond anticipation notes but would provide for direct issue of serial revenue bonds; and

WHEREAS, Phase III will add exterior and interior improvements to the coliseum and Mabel Lee Hall as part of the campus recreation/athletic facility project to accommodate four multipurpose courts, fitness facilities, laboratories, and offices for the School of Health, Physical Education, and Recreation, general purpose classrooms, intercollegiate athletic offices, training rooms, practice and competition courts for the women's intercollegiate volleyball team, and general locker and shower rooms; and

WHEREAS, the University of Nebraska would pledge to the retirement of the bonds funds generated from the capital facilities assessment on home football game tickets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That pursuant to the provisions of section 85-404 and Legislative Resolution 69 adopted by the Ninetieth Legislature, supplemental financing plans for Phase III which call for the issuance of bond anticipation notes and/or revenue bonds in an amount not to exceed $4,925,000 are hereby approved.

Laid over.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Leslie Chaffin - Board of Public Roads Classifications and Standards

Voting aye: Senators Lamb, Beyer, Byars, Peterson, Schellpeper. Voting nay: None. Absent: Senators Goodrich, Robak, Rogers.

(Signed) Howard Lamb, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1990, at 3:56 p.m., were the following bills: 980, 980A, 994, 994A, 1043, 953, 369, 369A, 1018, 1090, 1090A, 315, 551, 551A, 920, 931, 1063, and 1063A.

(Signed) Jim Langenberg, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 90028

DATE:	April 5, 1990
SUBJECT:	LB 1059 - Constitutionality of "Hold Harmless" Provision Assuring School Districts Will Not Receive Less State Aid for Three Year Period than Amounts Received Under the School Foundation and Equalization Act for 1989-90
REQUESTED BY:	Senator Loran Schmit Nebraska State Legislature
WRITTEN BY:	Robert M. Spire, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion as to the constitutionality of Section 6 of LB 1059. Subsection (1) of Section 6 provides, in part: "Except as provided in subsections (2) and (3) of this section, each district shall receive state aid in the amount that the total formula need of each such district, as determined pursuant to sections 5 and 7 of this act, exceeds its total formula resources as determined pursuant to sections 8 to 11 of this act." Subsection (2) of Section 6 contains a "hold harmless" clause, providing "{a} district shall not receive state aid for each of the school years 1990-91, 1991-92, and 1992-93 which is less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90." Your initial question concerns whether the "hold harmless" provision in subsection (2) of Section 6 of LB 1059 violates the prohibition against special legislation in Article III, Section 18, of the Nebraska Constitution, by the creation of unreasonable closed classifications.

On several occasions, the Nebraska Supreme Court has struck down legislation as violative of the prohibition against special legislation in Article III, Section 18, on the ground that the classifications created unreasonable closed or frozen classes which precluded the opportunity for an increase in the members of the class by future growth or development. See, e.g., State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980); City of Scottsbluff v.

Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970); State ex rel. Conkling v. Kelso, 92 Neb. 628, 139 N.W. 226 (1912). Most recently, in State ex rel. Douglas v. Marsh, the court held a state statute granting aid to governmental subdivisions utilized a distribution formula which created an unreasonable closed classification in violation of the state constitutional provision prohibiting special legislation. The statute created a fund known as the Local Government Revenue Fund which was designed to reimburse counties for lost revenues resulting from the exemption from taxation of certain types of personal property. 207 Neb. at 601-05, 300 N.W.2d at 183-85.

The supreme court concluded the bill created an arbitrary and unreasonable closed classification in violation of Article III, Section 18. The court found the bill's formula for determining the amount each county would receive created an unreasonable "frozen classification" in that the formula did not make any allowance for changed circumstances which would allow a county to enter into a different classification in future years. Id. at 606, 300 N.W.2d at 186. The court cited its previous decisions in City of Scottsbluff v. Tiemann, supra, and State ex rel. Conkling v. Kelso, supra, for the proposition that classifications which do not allow for increases due to future growth or development are special and violate the State Constitution. The court stated "where it is determined that the classification is based upon happenstance events in a given year and thereafter remains forever, regardless of the changes in circumstances, the classification must be held to be invalid and the act in violation of our State Constitution." 207 Neb. at 609, 300 N.W.2d at 187.

The decision in State ex rel. Douglas v. Marsh illustrates the vice embodied in legislation creating unconstitutional frozen or closed classifications is that the classes created do not permit any increase or change due to future growth or development. In our view, the state aid provisions in Section 6 of LB 1059 do not, construed as a whole, represent the establishment of impermissible closed classifications in violation of Article III, Section 18.

Subsection (1) of Section 6 establishes a new formula for the determination of state aid to school districts based on the amount by which a district's "total formula need" exceeds its "total formula resources." Subsection (2) provides an exception to the use of the aid calculation under subsection (1), however, assuring that a school district shall not receive less in state aid for school years 1990-91, 1991-92, and 1992-93 than one hundred percent of the amount of state aid received under the prior state aid formula for school year 1989-90. In essence, subsection (2) establishes a minimum level or floor below which state aid to a school district cannot fall during a three year transitional period provided to allow for differences resulting from the shift in the calculation of state aid under the new formula provided in subsection (1).

The establishment of such a floor or minimum level, however, does not present the type of closed classification problem presented in State ex rel. Douglas v. Marsh, as the state aid determination for any school district during this three year period is not based solely on the historical rate set in the base year. Rather, the opportunity for an increase due to changed circumstances is provided in that the amount of state aid as determined under subdivision (1) would be provided in the event the exception under subsection (2) is not applicable to a particular district. Thus, the state aid provisions in Section 6 of LB 1059 do not establish unreasonable or arbitrary closed classifications between school districts, as changes due to future growth or development are taken into account in determining the level of state aid to be provided under the bill. Furthermore, we cannot conclude the establishment of a "hold harmless" provision of this nature for such a period is unreasonable or arbitrary.

In conclusion, it is our opinion that the "hold harmless" exception provided in LB 1059, assuring school districts will not receive less state aid for a three year period than amounts received under the School Foundation and Equalization Act for 1989-90, does not, construed together with the entire state aid distribution provisions in Section 6 of the bill, violate the constitutional prohibition against special legislation. In light of our opinion in this regard, it is unnecessary for us to consider your second question as to the severability of this portion of the bill.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-391-2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adjournment

Mrs. Labedz moved to adjourn until Monday, April 9, 1990. The motion lost with 9 ayes, 18 nays, 11 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1241. The Labedz specific amendment, AM2892, printed separately from the Journal and referred to in this day's Journal, was renewed.

Mr. Rogers and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 13:

Beck
Beyer
Byars
Coordsen
Goodrich
Hefner
Johnson, L.
Labedz
Lamb
McFarland
Peterson
Pirsch
Schmit

Voting in the negative, 14:

Abboud
Baack
Bernard-Stevens
Conway
Elmer
Kristensen
Langford
Moore
Morrissey
Schimek
Smith
Warner
Weihing
Wesely

Present and not voting, 11:

Barrett
Chambers
Crosby
Dierks
Haberman
Hannibal
Hartnett
Korshoj
Robak
Schellpeper
Wehrbein

Excused and not voting, 11:

Ashford
Chizek
Hall
Johnson, R.
Landis

Lindsay	Nelson	Rogers	Scofield	Withem
Lynch				

The Labedz amendment lost with 13 ayes, 14 nays, 11 present and not voting, and 11 excused and not voting.

Pending.

MOTION - Adjournment

Mr. McFarland moved to adjourn until 9:00 a.m., Monday, April 9, 1990. The motion lost with 7 ayes, 20 nays, 11 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1241. Considered.

Mrs. Smith and Mr. McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Moore moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 13 nays, and 19 not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Readvanced to Final Reading with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

SPEAKER BARRETT PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1241. With Emergency.

A BILL FOR AN ACT relating to the Research and Development Authority; to amend sections 13-203, 13-206, 13-207, 21-2102, 21-2104, 21-2109, 58-401 to 58-404, 58-435, and 77-3806, Reissue Revised Statutes of Nebraska, 1943, section 58-413, Revised Statutes Supplement, 1989, and Laws 1989, LB 813, section 71; to state findings; to define and redefine terms; to require the Research and Development Authority and certain existing corporations to form business development corporations as prescribed; to provide powers and duties for the authority and the corporation; to provide for a tax credit as prescribed; to change provisions relating to use of a fund; to provide for a board of directors and terms for such directors; to increase appropriations for the authority for FY1990-91; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Mr. Wesely requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 31:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Korshoj
Kristensen
Lamb
Langford
Lindsay
McFarland
Moore
Morrissey
Robak
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 1:

Pirsch

Present and not voting, 5:

Ashford
Haberman
Johnson, L.
Peterson
Schellpeper

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis

Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hannibal
Hartnett
Hefner
Korshoj
Kristensen
Lamb
Langford
Lindsay
McFarland
Moore
Morrissey
Robak
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 5:

Haberman
Johnson, L.
Peterson
Pirsch
Schellpeper

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Mr. Morrissey asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1244. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
Peterson
Pirsch
Robak
Schellpeper
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 2:

McFarland
Moore

Excused and not voting, 13:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Morrissey
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 220.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2259, 29-2262, and 29-2269, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for an intensive supervision probation program; to provide powers and duties for the Supreme Court and the Probation Administrator; to provide that the costs of drug testing and electronic surveillance equipment be paid by the state as prescribed; to create a fund; to change provisions relating to conditions of probation; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
McFarland
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 220A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 220, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars

Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
McFarland
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of the remaining bills on today's agenda on Final Reading.

The Baack motion to suspend the rules prevailed with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

WITHDRAW - Amendment to LB 571

The Landis pending amendment, AM3074, found in the Journal on page 1523, to LB 571, was withdrawn.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 571.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 27-504, 28-101, 28-404, 28-405, and 28-1439.01, Reissue Revised Statutes of Nebraska, 1943; to define terms; to prohibit certain acts relating to anabolic steroids; to provide penalties and sanctions; to change the spelling of a controlled substance; to require reports and records of currency transactions as prescribed; to provide powers and duties with respect to such reports and records; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
McFarland
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Moore
Schimek

Excused and not voting, 12:

Chizek
Hall
Johnson. R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 571A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Lindsay
McFarland
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Moore

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 843. With Emergency.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943, sections 79-1331, 79-3402 to 79-3407, 79-3409, 79-3410, and 79-3414 to 79-3416, Revised Statutes Supplement, 1989, and section 45, Legislative Bill 1059, Ninety-first Legislature, Second Session, 1990; to change provisions relating to the enrollment option program; to redefine terms; to change provisions relating to limitations on transfers, eligibility for the program and transportation reimbursement, attendance requirements, and acceptance standards as prescribed; to provide for determining enrollment and capacity; to eliminate restrictions on solicitation of transfers; to change provisions relating to deadlines as prescribed; to change provisions relating to payments under the enrollment option program as prescribed; to change a calculation under the School Foundation and Equalization Act as prescribed; to change provisions relating to the repeal of certain statutes; to eliminate funds, provisions on payment of tuition by former county high school districts, the School Foundation and Equalization Act, and a restriction on eligibility for athletic competition; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 79-1103.02, 79-1103.03, 79-1332, 79-1332.01, 79-1333.01, 79-1334, 79-1336, 79-1337, 79-1339, 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, section 79-1335, Revised Statutes Supplement, 1988, sections 79-1330, 79-1333, 79-1333.02, and 79-3411, Revised Statutes Supplement, 1989, section 79-1338, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 843, Ninety-first Legislature, Second Session, 1990, and section 79-1331, Revised Statutes Supplement, 1989, as amended by section 1, Legislative Bill 843, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hartnett
Hefner
Johnson, L.
Kristensen
Lamb
Langford
Lindsay
McFarland
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schimek
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 4:

Hannibal
Korshoj
Moore
Warner

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield

Smith
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 843A.

A BILL FOR AN ACT relating to appropriations; to amend section 6, Legislative Bill 1059A, Ninety-first Legislature, Second Session, 1990; to appropriate funds to aid in carrying out the provisions of Legislative Bill 843, Ninety-first Legislature, Second Session, 1990; to reduce an appropriation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hartnett
Hefner
Johnson, L.
Kristensen
Langford
Lindsay
McFarland
Morrissey
Pirsch
Robak
Schellpeper
Schimek
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 8:

Abboud
Dierks
Hannibal
Korshoj
Lamb
Moore
Peterson
Warner

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 958.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,103.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the required use of child passenger restraint systems and seat safety belts; to provide a duty for the Department of Motor Vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud
Ashford
Baack
Barrett
Beck
Beyer
Byars
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Langford
Lindsay
McFarland
Pirsch
Robak
Schellpeper
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 1:

Lamb

Present and not voting, 5:

Bernard-Stevens
Chambers
Moore
Morrissey
Peterson

Excused and not voting, 12:

Chizek
Hall
Johnson, R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1064. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-128, 71-129, 71-161.06, and 71-6023.01, Reissue Revised Statutes of Nebraska, 1943, sections 71-125, 71-138, 71-175, 71-1,104, 71-1,278, 71-2803, 71-3507, 71-3508.03, and 71-3515.02, Revised Statutes Supplement, 1988, and sections 71-110, 71-131, 71-133. 71-162, 71-174, 71-178, 71-1,279, 71-3503, 71-3505, 71-5502, 71-5509. 71-5510. 71-5513. 71-5514, 71-5517, 71-5520, and 71-5521, Revised Statutes Supplement, 1989; to change, provide, and eliminate provisions relating to examination and other requirements for licensure and certification of and payment of fees by certain health professionals and for certain health-related activities; to require long-term care hospitals to meet conditions relating to retention of medicaid residents; to authorize special care providers to perform routine health care maintenance procedures for individuals with developmental disabilities; to define terms; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 71-130 and 71-135 to 71-137, Reissue Revised Statutes of Nebraska. 1943: and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Lindsay
McFarland
Moore
Morrissey
Peterson
Pirsch
Robak
Schellpeper
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative. 0.

Present and not voting, 1:

Langford

Excused and not voting, 12:

Chizek
Hall
Johnson. R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 1241.

(Signed) John C. Lindsay, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1241, 1244, 220, 220A, 571, 571A, and 843.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1064A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1064, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Lindsay
McFarland
Moore
Morrissey
Peterson
Pirsch
Schellpeper
Schimek
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Ashford
Langford
Robak

Excused and not voting, 12:

Chizek
Hall
Johnson. R.
Labedz
Landis
Lynch
Nelson
Rogers
Schmit
Scofield
Smith
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business. the Speaker signed the following bills: 843A, 958, 1064, and 1064A.

VISITORS

Visitors to the Chamber were 14 kindergarten through sixth grade students and teacher from Nora; 11 students and principal from Ely, England and nine students from Westside High School, Omaha; five eighth grade students and teacher from St. Micheals; Keven Schumacher from UNL; 56 students and teachers from Wasmer Elementary. Grand Island; 22 seventh and eighth grade students and sponsors from St. Libory; Jim and Bev Lang from Omaha; Arthur J. McMasters from Hastings; Tom Dougherty from Ainsworth; and 25 fifth grade students and teacher from Doniphan.

ADJOURNMENT

At 7:49 p.m.. on a motion by Mr. Wehrbein, the Legislature adjourned until 8:00 a.m., Monday, April 9, 1990.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 9, 1990

LEGISLATIVE JOURNAL

SIXTIETH DAY - APRIL 9, 1990

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 9, 1990

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Nichol presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud. Chambers. Conway, Hartnett, R. Johnson, Landis, Lindsay, McFarland. Moore. Warner. Withem, Mmes. Labedz, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1990, at 8:15 p.m., were the following bills: 1241. 1244. 220. 220A, 571, 571A, 843, 843A, 958, 1064. and 1064A.

(Signed) Jan Loder, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

April 6, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1080, 1184, 1184A, 656, 1146, 799, and 1136 were received in my office on April 3, 1990.

These bills were signed by me on April 6, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 220, 220A, 315, 369, 369A, 551, 551A, 571, 720, 720A, 851, 896, 923, 953, 958, 960, 960A, 980, 980A, 994, 994A, 1018, 1063, 1063A, 1064, 1064A, 1090, and 1244 were received in my office on April 5, 1990.

These bills were signed by me on April 7, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1990

Mr. President, Mr. Speaker,
and Members of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1059 and LB 1059A without my signature and with my objections.

I have reviewed LB 1059 at great length, and have consulted with a great many people on its various provisions, strengths and weaknesses. In that process, I have applauded the tremendous efforts of the School Finance Review Commission and support many of the Commission's findings. Specifically, I support the concept that state aid to education is more equitable when distributed to school districts based on a definition of need that includes both assessed valuation of property and income within a school district.

My objections to LB 1059 basically stem from the hastily included tax provisions that were added to the Commission's studiously prepared work without any analysis of the impact and essential fairness of the provisions. The Commission spent 18 months designing a new state aid formula. Then in January of this year, the tax plan was added as a second part of LB 1059. Had equal consideration been given to both portions of the bill, I believe that it would have been apparent that the combination of the tax provisions with the school finance provisions prevents LB 1059 from meeting either of its two purported purposes. It does NOT achieve property tax relief. and it does NOT promote educational equity. Rather, it is simply the largest spending and tax increase measure to be considered in the history of the State of Nebraska.

Earlier this session, I provided to you many detailed objections to LB 1059. My concerns were substantially ignored, as only one of the flaws was partially addressed. Since that time additional flaws contained in LB 1059 have come to light. Attached is a list of both my original objections to LB 1059, as well as new flaws I find with this legislation.

The issues of educational equity and property tax relief are serious needs that deserve our careful and considerate attention. Because LB 1059 does not address these issues well or wisely, it is not the solution and should not become law. Therefore, I urge you to sustain my veto. There is no justification for supporting a fatally flawed piece of legislation that will have immediate and adverse effects on taxpayers of Nebraska.

Sincerely,
(Signed) KAY A. ORR

Governor.

KAO:ab

OBJECTIONS TO LB 1059

1. LB 1059 is not property tax relief. Even though sales taxes increase 25% and income taxes increase 17.5%, property taxes are still projected to increase next year. This is not the kind of property tax relief Nebraskans can afford.

2. LB 1059 is unfair to the one in three households, whether in town or on the farm, who rent, as well as to the elderly and disabled who receive the homestead exemption. This group, with the least ability to pay, receives a cruel tax increase.

3. Property tax relief can not be guaranteed given the ineffective spending lids contained in LB 1059. The lid on school districts is too loose and too full of exceptions to have any impact, while the lid on other political subdivisions terminates in just two years. For example, some school districts will be able to increase their tax levies over 19.5% annually without a vote of the people. Specifically, the lid proposal allows the following tax taking increases:

Base Growth Rate	Up to 6.5%
Enrollment Increase	Up to 10.0%
Reserve Requirement	Up to 2.0%
75% Board Approval	Up to 1.0%
Building Maintenance	Unlimited
Special Ed. Costs	Unlimited
Current Employee Contracts	Unlimited
New Mandated Programs	Unlimited
Total	19.5% +

4. LB 1059 does not promote educational equity. Although it redistributes tax burdens by shifting funding sources, it does not permit financially poor school districts to achieve "average spending per pupil" levels within a reasonable time period. While the lid is ineffective in guaranteeing property tax relief, it restricts these poorer districts from increasing their spending to achieve educational equity. Consequently, for this and other reasons, LB 1059 is not the solution to the pending court challenge of our school finance system, as has been claimed.

5. The Legislature designates education funding as the top state appropriation priority in LB 1059. However, the Legislature failed to meet their commitment in the first year of funding LB 1059, as the bill is underfunded by $33 million. This reluctance to meet their commitment from the outset bodes ill for the future stability of education funding under this scheme.

6. The funding assumptions of LB 1059 include the state's continued funding of teachers' salary supplements (LB 89) at $20 million per year. However. LB 89 expires next year. Consequently, after 1991 taxes will need to be raised or other current obligations will need to be raided in order to fully fund the provisions of LB 1059. Since the Legislature failed to fully fund LB 1059 this year, I question their willingness to increase taxes further in the future to fulfill the commitment made in this legislation.

7. LB 1059 raises $17 million in sales taxes that will go into the Highway Trust Fund. rather than for education.

8. The use of "tiers" within LB 1059 to group school districts gives an unfair advantage to some school districts in the funding formula. Conversely. the groupings also hurt school districts who are growing faster than other schools in their tier.

9. LB 1059's "hold-harmless" clause contradicts the "equity" purpose of the bill. It provides many school districts with more aid than the formula computes their need to be. Conceptually this provision defeats the purpose of the bill.

10. Finally. the sponsors of LB 1059 admit that there are problems with this bill that have not yet been found. Two major flaws, including the unintentional repeal of the sales tax for two and a half months. were found hours before the bill was passed. There may well be other flaws with equally dire consequences that have not yet been discovered.

April 6, 1990

Mr. President. Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln. Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 42 and LB 42A without my signature and with my objections.

LB 42 increases the salaries of the judges of the various courts in the state. The General Fund fiscal impact for FY 1990-91 is $388,419 and for FY 1991-92 is $1,377,015. It jumps to $2,019,204 in FY 1992-93.

There is no question that the judges deserve an increase. This year, however, is the off budget year and should not be used for an item with such a large fiscal impact. Moreover, since I've been Governor, the judges have received a series of salary increases beginning in 1987, the last of which will take effect on July 1, 1990. This is a proposal that needs careful consideration next year during the regular budget cycle.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 880 and LB 880A without my signature and with my objections.

LB 880 would create two additional district court judges. Last year a similar bill was vetoed because of the condition of the budget, but judicial workload was also a concern. Until I'm convinced that the current district court structure provides the most equitable statewide distribution of judicial workload, I cannot support increasing the number of district court judges.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1004 and LB 1004A without my signature and with my objections.

LB 1004 creates a pseudorabies eradication program with a General Fund fiscal impact of $766,188 for FY 1991 and $928,167 for FY 1992. This would be in addition to about $710,000 of General Funds which presently goes towards pseudorabies control and testing.

While the State should assume some responsibility in this area, the swine industry needs to consider ways to share more responsibility for the success of the program. Interim study resolution LR 292 offers an opportunity for the industry and other interested parties to express their concerns and desires. It would appear that identifying alternative funding sources for pseudorabies eradication could be included within the scope of LR 292, the results of which could be brought to the Legislature at a later date.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1019 and LB 1019A without my signature and with my objections.

LB 1019 would create an International Trade Division in the Department of Economic Development to promote exports and to establish an international trade office.

While I applaud efforts to increase export of Nebraska products, I have concerns with the bill. It may be unwise to establish and fund a foreign trade office without a careful evaluation of alternatives or of the resources and support needed to successfully run the office.

Moreover, the bill creates a division in DED. This runs counter to the policy established by the Legislature last year in LB 639 which eliminated the mandated divisions within DED.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1080A without my signature and with my objections.

LB 1080 allows for waiver of nurse staffing requirements for nursing facilities under certain conditions, and changes the certification provisions for social workers.

LB 1080A appropriates funds from the State General Fund to implement the changes authorized by LB 1080 in the licensing and certification programs. Since both programs are supported by revenues generated from fees, no General Fund appropriations are required.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:pbj

April 6, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1222 and LB 1222A without my signature and with my objections.

LB 1222 and LB 1222A would expand the role of the Foster Care Review Board to allow it to participate directly in court proceedings that involve children placed in foster care.

The concerns of the proponents of this bill for appropriate and timely action to protect foster children from abuse and neglect are shared by me. However, it is my belief that the solution to the issues is much broader than increased authority for the Board. We have begun to address many of the issues raised by the bill through the commitment of funding for foster parent training, recruitment, and support; improving caseloads for the Child Protective Service's staff; and improve the reimbursement provided to foster parents. This approach provides better investment of State resources to address the needs of foster children and families than the financing of additional confrontation and legal dispute between State Agencies.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:pbj

April 7, 1990

Mr. President. Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln. Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 571A without my signature and with my objections.

LB 571A would appropriate $18,900 from the General Fund for FY 1990-91 and $17.400 from the General Fund for FY 1991-92 to the Nebraska State Patrol for Program 100, to aid in carrying out the provisions of LB 571.

It is my belief that the Nebraska State Patrol can implement the provisions of LB 571 within existing agency resources.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:kf

April 7, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 834 without my signature and with my objections.

LB 834 would lower to 20 years the voluntary age for participation in the State Employees' Retirement System. Last year I vetoed a similar bill, LB 388, and there are compelling reasons to do so again, aside from the fact that it simply is not fiscally prudent to expand and fund this program at this time.

Under the current law, any Nebraska state employee who is 25 years old or older may join the Retirement System. There is no evidence that the rationale used to set the current age for entry into the System is now invalid; in fact, a lowered age for entry would not benefit the younger employee, the current members of the State Employees' Retirement System, or the System itself.

Five years are required to become vested in the Retirement System. Due to the high turnover rates among younger employees entering government service, participation would be of no benefit if they leave state service prior to that time.

Moreover, LB 834 would increase the administrative costs of the Retirement System by requiring the maintenance of accounts for these young people leaving the System. These increased costs would be passed on to all other members of the State Employees' Retirement System.

State employees under the age of 25 have other savings and investment opportunities -- as do all young Nebraskans -- and we should encourage them to save wisely for their futures.

Sincerely,
(Signed) KAY A. ORR
Governor

April 6, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 843 and LB 843A without my signature and with my objections.

Last year, after much debate, Nebraska adopted a self-funded school choice program. LB 843, however, takes a different approach that requires a new appropriation of a million dollars, with potential increases in the future. Depending on whether or not LB 1059 becomes law, the required new funds either would come from new taxes or would place yet another claim on currently budgeted revenues. To paraphrase what one Senator said during the debate on this bill. "I have a concern that simply to make this program work, we will have to throw more state aid into it."

The obligation for us to emerge from this legislative session with a balanced budget and the required three percent reserve leaves me no choice but to veto this legislation. Furthermore, LB 843 is one more instance of a shift of a local responsibility to the state.

You are urged to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1990

Mr. President. Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln. Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 855 and LB 855A without my signature and with my objections.

LB 855 reinstates cooperative state funding for the animal damage control program operated by the Animal and Plant Inspection Service (APHIS) of the United States Department of Agriculture. 25 counties currently support the program on a voluntary basis through local contributions to the federal program.

LB 855 is essentially the same legislation as LB 162 which was passed by the Legislature during the 1989 Session and which I vetoed because of budget constraints. This year the competition for declining state revenues in the middle of the biennium budget cycle forces us to be even more cautious. I am hopeful that the joint federal and local funding base will continue since the program serves a valuable function in many parts of the state.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 896A without my signature and with my objections.

LB 896A would appropriate $30,000 from the General Fund for FY 1990-91 and $15,000 from the General Fund for FY 1991-92 to implement LB 896. The Department of Revenue will be able to implement the bill with existing resources. Therefore, there is no need for LB 896A.

Sincerely,
(Signed) KAY A. ORR
Governor

KAO:dh

April 7, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1043 without my signature and with my objections.

LB 1043 would allow for the continued existence of public building commissions. Recently there has been some controversy about the intended activity of the commission. Caution is advisable whenever one is dealing with an entity such as the commission which can issue large amounts of bonds without a vote of the people.

The need for the commission must be more clearly shown in order for me to support its continuation beyond its intended life. There is enough time to address this issue before the commission terminates if the need can be shown.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1090A with my signature but with specific line-item reductions.

LB 1090 began as a technical revisions measure on behalf of the Department of Education. Other measures were amended in during the legislative process, some of which--including a new program--require increased expenditures. The need to hold the line on spending necessitates a close review of the funding provisions in LB 1090A.

The proposed $61,440 GF in FY 90-91 and $58,812 GF in FY 91-92 for two educational technology satellite centers was not included in the Department of Education's budget request and is not justified under the circumstances.

I urge you to sustain my veto.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1990

Mr. President. Mr. Speaker
and Members of the Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 920 with my signature but with line-item reductions.

The purpose of LB 920 is to reimburse governmental subdivisions for property tax losses due to the 1988 pipeline lawsuits. Following the precedent set by the Legislature in 1988 concerning revenue losses due to railroad and carline legal actions, the amount of State assistance for the larger subdivisions should not exceed the equivalent of 1 percent of their property tax revenues. This limitation applies to school districts, counties, cities, technical community colleges, and natural resource districts. All other subdivisions will be reimbursed for all of their property tax losses from pipelines.

The total appropriations for property tax reimbursements in LB 920 are reduced by my line-item reduction from $4,350,000 to $2,600,000. The amount included in LB 920 that represents the transfer of forfeitures to the State Patrol's Public Safety Cash Fund is not affected by my reductions.

Sincerely,
(Signed) KAY A. ORR
Governor

April 7, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 1241 with my signature but with a line-item reduction.

LB 1241 directs the Research and Development Authority to target business development in North Omaha. While I strongly support LB 1241, its purposes could be accomplished with the existing funds already appropriated for the Research and Development Authority. The additional $1,000,000 is not necessary to successfully implement the bill.

Sincerely,

(Signed) KAY A. ORR
Governor

MOTION - Suspend Rules

Mr. Barrett moved to suspend the rules, Rule 6, Section 7(b) and Rule 5, Section 6, to permit consideration of the bills on final reading today.

The Barrett motion to suspend rules prevailed with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

WITHDRAW - Amendment to LB 1109

Mr. McFarland withdrew his pending amendment, AM2783, found in the Journal on page 1127, to LB 1109.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1109.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-906, Reissue Revised Statutes of Nebraska, 1943, and sections 79-439 and 79-1003.01, Revised Statutes Supplement, 1988: to change the applicability of provisions; to change provisions relating to school board meetings for Class IV and V school districts as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Wehrbein
Weihing
Wesely

Voting in the negative, 0.

Present and not voting, 3:

Byars
Haberman
Lynch

Excused and not voting, 8:

Abboud
Chambers
Johnson, R.
Landis
Lindsay
Smith
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 431.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4104 and 77-4110, Revised Statutes Supplement, 1988, and section 77-27,119, Revised Statutes Supplement, 1989; to change provisions relating to reports to the Legislature and the confidentiality of certain information; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 4:

Hannibal
Langford
Rogers
Schmit

Excused and not voting, 6:

Abboud
Chambers
Johnson, R.
Landis
Lindsay
Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1055. With Emergency.

A BILL FOR AN ACT relating to gaming; to amend section 9-239, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1207, 2-1208.01, 9-1.101, 9-344, and 9-614, Revised Statutes Supplement, 1989; to change provisions relating to deductions from, taxes on, and permitting a minor to make parimutuel wagers on horseracing; to change provisions relating to taxes on bingo, pickle cards, and other charitable gaming; to change an incorporation requirement for certain lottery operators; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schmit
Scofield
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 4:

Moore
Peterson
Schimek
Wesely

Excused and not voting, 6:

Abboud
Chambers
Johnson, R.
Landis
Smith
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1124.

A BILL FOR AN ACT relating to fuels; to amend sections 66-468 and 66-474, Reissue Revised Statutes of Nebraska, 1943, sections 66-410 and 66-428, Revised Statutes Supplement, 1988, and sections 66-605, 66-1304, 66-1307, and 66-1307.01, Revised Statutes Supplement, 1989; to create a tax credit for ethanol production as prescribed; to change the rates of taxes on certain gasoline and motor vehicle fuels; to change a provision relating to membership on the Nebraska Gasohol Committee; to provide duties for the Department of Revenue; to provide for adjustments to the rates of taxes on motor vehicle and special fuels; to provide requirements for reformulated gasoline; to change a provision relating to membership on the Ethanol Authority and Development Board; to provide for additional uses of the Ethanol Authority and Development Cash Fund; to require transfers from the fund as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Mr. Schmit requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 21:

Ashford
Baack
Barrett
Bernard-Stevens
Chizek
Conway
Dierks
Hall
Hartnett
Korshoj
Kristensen
Labedz
Lamb
Lynch
Moore
Morrissey
Nelson
Pirsch
Rogers
Smith
Wesely

Voting in the negative, 24:

Beck
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Langford
Lindsay
McFarland

Peterson
Robak
Schellpeper
Schimek
Scofield
Warner
Wehrbein
Weihing
Withem

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Abboud
Chambers
Landis

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1153.

A BILL FOR AN ACT relating to real estate; to amend sections 2-1502, 23-1514, 33-112, 49-14,103.01, 76-544, 77-1333, and 81-8,282, Reissue Revised Statutes of Nebraska, 1943, sections 72-224.03, 76-706, 76-711, 76-1907, and 77-2019, Revised Statutes Supplement, 1988, and section 77-1372, Revised Statutes Supplement, 1989; to adopt the Real Estate Appraiser Licensing and Certification Act; to provide and change requirements for instruments and printed forms to be filed with the register of deeds; to change fee provisions for recording certain instruments; to decrease the hours of continuing education required of registered abstracters; to make a condemnee liable for certain diminution in the value of condemned property; to increase real estate appraiser licensing fees; to eliminate provisions providing for licensure of appraisers and provisions establishing continuing education requirements; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 81-8,276 to 81-8,280 and 81-8,283 to 81-8,293, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,282, Reissue Revised Statutes of Nebraska, 1943, as amended by section 64, Legislative Bill 1153, Ninety-first Legislature, Second Session, 1990.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 4:

Abboud
Chambers
Johnson, R.
Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1153A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1153, Ninety-first Legislature, Second Session, 1990; and to reduce an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Lindsay
Lynch
McFarland

Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Langford
Rogers

Excused and not voting, 3:

Chambers
Johnson, R.
Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1221.

A BILL FOR AN ACT relating to plumbing; to amend sections 18-1906 and 18-1909, Reissue Revised Statutes of Nebraska, 1943, and section 18-1901, Revised Statutes Supplement, 1989; to change the membership of plumbing boards for cities of the metropolitan class; to change provisions relating to rules and regulations; to provide for the suspension of plumbing licenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Chambers
Johnson, R.
Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1246. With Emergency.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 23-1212, 23-1216, 23-1217, 23-1218, 23-1219, 23-1220, 23-1222, 28-712, 29-110, 29-1420, 29-2011.02, 29-2011.03, 29-2915, 29-2918, 50-407, and 84-205, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change requirements and duties of the Nebraska Commission on Law Enforcement and Criminal Justice relating to continuing education for county attorneys as prescribed; to create a fund; to change duties of law enforcement agencies as prescribed; to change the statute of limitations relating to certain offenses against a child; to permit transfer of certain grand jury evidence; to provide for a court order requiring testimony or information from witnesses before a special committee of the Legislature; to change provisions relating to treatment of mentally disordered sex offenders as prescribed; to create a Child Protective Division in the office of the Attorney General; to provide duties for the Attorney General; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks

Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 1:

Chambers

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative. the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1246A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1246, Ninety-first Legislature, Second Session, 1990; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Langford
Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Reconsider Action on LB 1124

Mr. Schmit moved to reconsider the final passage of LB 1124.

Messrs. McFarland and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Schmit motion to reconsider prevailed with 37 ayes, 2 nays, and 10 present and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 1124.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Chizek
Conway
Dierks
Hall
Hartnett
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schmit
Scofield
Smith
Warner
Wehrbein
Wesely

Voting in the negative, 14:

Abboud
Beyer
Byars
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hefner
Johnson, R.
Landis
McFarland
Schellpeper
Schimek

Present and not voting, 5:

Chambers
Hannibal
Peterson
Weihing
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 11CA.

A Resolution to propose an amendment to the Constitution of Nebraska by amending Article XIII, section 2.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by amending Article XIII, section 2, which is hereby proposed by the Legislature:

CXIII-2 "Notwithstanding any other provision in the Constitution, the Legislature may authorize any county~~,~~ or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section~~,~~ shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment to empower the Legislature to authorize incorporated cities and villages to use local sources of revenue for economic and industrial development with voter approval.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 34:

Abboud
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Lamb
Langford
Lynch
Moore
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Scofield
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 11:

Ashford
Conway
Hall
Labedz
Landis
Lindsay
McFarland
Rogers
Schimek
Warner
Wesely

Present and not voting, 4:

Baack
Chambers
Chizek
Hannibal

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Return LR 239CA to Select File

Mr. McFarland moved to return LR 239CA to Select File for the following specific amendment:
FA467
Strike the enacting clause.

Mr. McFarland withdrew his motion to return.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 4, Section 2, to permit consideration of AM3370 to LR 239CA.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Warner motion to suspend the rules prevailed with 32 ayes, 12 nays, and 5 present and not voting.

FINAL READING

LEGISLATIVE RESOLUTION 239CA. The Conway amendment, AM3370, found in the Journal on page 1961, was considered.

The Conway amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

MOTION - Suspend Rules

Mr. Warner moved to suspend Rule 6, Section 6, 7, and 8 to permit consideration of AM3375 to LB 1141.

The Warner motion to suspend the rules prevailed with 30 ayes, 5 nays, and 14 present and not voting.

WITHDRAW - Amendment to LB 1141

Mr. Conway withdrew his pending amendment, AM3371, found in the Journal on page 1961, to LB 1141.

FINAL READING

LEGISLATIVE BILL 1141. Mr. Conway offered the following amendment:
AM3375

(Amendments to Final Reading copy)

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 14 to Article VII, which is hereby proposed by the Legislature:

CVII-14 'On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational institutions shall include each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska, the

Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:

(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska, Article VII, sections 10 and 13. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for

statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of the Legislature. Six of the members shall be chosen from six districts of approximately equal population and five shall be chosen on a statewide basis.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses.'.".

2. On page 1, line 5; and page 3, line 19, strike "Nebraska".

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BARRETT PRESIDING

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Conway amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 1141.

(Signed) John C. Lindsay, Chairperson

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1141.

A BILL FOR AN ACT relating to postsecondary education; to provide for submission to the electors of an amendment to the Constitution of Nebraska by adding a new section 14 to Article VII to establish the Coordinating Commission for Postsecondary Education; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November 1990 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska by adding a new section 14 to Article VII, which is hereby proposed by the Legislature:

CVII-14 "On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational institutions shall include each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:

(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board

for any other public postsecondary educational institution which may be established by the Legislature.

The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska, Article VII, sections 10 and 13. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of the Legislature. Six of the members shall be chosen from six districts of approximately equal population and five shall be chosen on a statewide basis.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to establish the Coordinating Commission for Postsecondary Education, to provide powers for the commission, and to provide for membership on the commission.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Hall
Hannibal
Hartnett
Johnson, L.
Kristensen
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Nelson
Pirsch
Robak
Rogers
Schimek
Schmit
Scofield
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 12:

Ashford
Beyer
Goodrich
Haberman
Hefner
Korshoj
Labedz
Morrissey
Peterson
Schellpeper
Smith
Wesely

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Johnson. R.

A constitutional three-fifths majority having voted in the affirmative. the bill was declared passed for the general election.

VISITORS

Visitors to the Chamber were Dr. Eldon Meyer; Jane Graff from Seward: Bob Sweet from Oshkosh; Mr. and Mrs. Carl Geis from Seward: Eddie Nichols and Phyllis Gardner from Max; Senator McFarland's mother, brother, and niece, Dorothy, Bob, and Jody McFarland: Jeanette Werse from Braunschweig, Germany and Vanessa Westergren from Burke High School, Omaha; Father John Lynch from Creighton University, Omaha; Lefler Junior High Select Choir from Lincoln; and delegates from Kearney State College's James E. Smith Midwest Conference on World Affairs from 50 countries and Ambassador Katenta Apuli from Uganda.

RECESS

At 12:03 p.m., on a motion by Mr. Hannibal, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Barrett presiding.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, Landis, McFarland, Morrissey, and Schmit.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following resolution was correctly re-engrossed: 239CA.

(Signed) John C. Lindsay, Chairperson

MOTION - Override Line-Item Veto on LB 1031

Mr. Warner renewed the Appropriations Committee motion, found in the Journal on page 1962, pursuant to Rule 6, Section 14, that the Governor's line-item veto of LB 1031 contained in Section 49, Subsection (2), for $467,000 General Funds in FY 1990-91 for aid, Community Aging Services Act, be overridden.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 45:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars

Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 2:

Lamb
Peterson

Excused and not voting, 2:

Landis
Schmit

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 1031

Mr. Ashford and Mrs. Crosby moved to override the Governor's line-item vetoes to LB 1031, Section 9, page 46, lines 21 and 25 for FY 1990-91: page 47, line 8; page 49, lines 5 and 8 for FY 1990-91; for transitional ADC benefits and the FY 1990-91 amount for the domestic violence program.

Mr. Ashford moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Ashford requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 28:

Ashford
Baack
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Goodrich
Haberman
Hall
Hartnett
Johnson, R.
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Schimek
Schmit
Smith
Wesely
Withem

Voting in the negative, 19:

Abboud
Barrett
Beyer
Coordsen
Elmer
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Langford
Moore
Peterson
Rogers
Scofield
Warner
Wehrbein
Weihing

Present and not voting, 2:

Pirsch
Schellpeper

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 1031

Mrs. Crosby and Mr. Baack moved to override the Governor's line-item veto of FY 1990-91 funding in the amount of $75,000 General Funds for state aid to the Nebraska Humanities Council as contained in Section 41(2) of LB 1031.

Mr. Baack moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Baack requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 37:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Korshoj
Kristensen
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Nelson
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 8:

Hefner
Johnson, R.
Lamb
Moore
Morrissey
Pirsch
Schmit
Warner

Present and not voting, 3:

Beyer
Hannibal
Johnson, L.

Excused and not voting, 1:

Peterson

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 1031

Mr. Haberman moved to override the line-item veto of LB 1031, contained in Section 19, Legislative Council.

MR. LANDIS PRESIDING

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Haberman requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 16:

Ashford
Barrett
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Elmer
Haberman
Kristensen
Lynch
McFarland
Rogers
Schellpeper
Wesely
Withem

Voting in the negative, 28:

Abboud
Baack
Beck
Beyer
Byars
Crosby
Goodrich
Hall
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Labedz
Lamb
Landis
Langford
Lindsay
Moore
Morrissey
Nelson
Pirsch
Robak
Schimek
Scofield
Smith
Wehrbein
Weihing

Present and not voting, 3:

Dierks
Hartnett
Warner

Excused and not voting, 2:

Peterson
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

SPEAKER BARRETT PRESIDING

MOTION - Override Line-Item Veto on LB 1031

Mr. Coordsen moved to override the veto of $24,000 in LB 1031, Section 43, Subsection (8); Chinch Bug specialist.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 16:

Baack
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Goodrich
Johnson, R.
Korshoj
Lamb
Lynch
Morrissey
Robak
Schellpeper

Voting in the negative, 19:

Abboud
Barrett
Beck
Beyer
Crosby
Hannibal
Hefner
Johnson, L.
Kristensen
Landis
Langford
McFarland
Moore
Nelson
Schimek
Smith
Warner
Wehrbein
Wesely

Present and not voting, 12:

Ashford
Chambers
Haberman
Hall
Hartnett
Labedz
Lindsay
Pirsch
Rogers
Scofield
Weihing
Withem

Excused and not voting, 2:

Peterson
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1031

Mr. Schellpeper moved to override the Governor's line-item veto of LB 1031, contained in Section 44, for $5,000 General Funds for the Antique Farm Machinery and Equipment Commission.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Schellpeper requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 26:

Ashford
Beck
Beyer
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hartnett
Johnson, R.
Kristensen
Labedz
Lindsay
Lynch
McFarland
Nelson
Robak
Rogers
Schellpeper
Weihing
Wesely
Withem

Voting in the negative, 19:

Abboud
Baack
Barrett
Bernard-Stevens
Byars
Hall
Hannibal
Hefner
Johnson, L.
Korshoj
Landis
Langford
Moore
Morrissey
Pirsch
Schimek
Scofield
Smith
Warner

Present and not voting, 2:

Lamb
Wehrbein

Excused and not voting, 2:

Peterson
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

PRESIDENT NICHOL PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 1109, 431, 1055; 1153, 1153A, 1221, 1246, 1246A, 1124, 1141, and LR 11CA.

MOTION - Override Line-Item Veto on LB 1031

Mr. Coordsen moved to override the veto of $2,225,124 of mental retardation aid contained in Section 8 of LB 1031.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Mr. Coordsen requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 23:

Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Haberman
Hefner
Johnson, R.
Korshoj
Kristensen
Landis
Lindsay
Lynch
McFarland
Morrissey
Robak
Rogers
Schellpeper
Schimek
Schmit

Voting in the negative, 14:

Abboud
Baack
Beck
Goodrich
Hall
Hannibal
Hartnett
Johnson, L.
Lamb
Langford
Pirsch
Scofield
Smith
Warner

Present and not voting, 11:

Ashford
Barrett
Beyer
Elmer
Labedz
Moore
Nelson
Wehrbein
Weihing
Wesely
Withem

Excused and not voting, 1:

Peterson

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

SPEAKER BARRETT PRESIDING

MOTION - Reconsider Action on LB 1031

Mr. Kristensen moved to reconsider the Ashford-Crosby motion to override the veto of the AFDC and domestic violence amounts of $281.000 and $35.000. respectively.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The Kristensen motion to reconsider prevailed with 34 ayes, 1 nay, 13 present and not voting, and 1 excused and not voting.

MOTION - Override Line-Item Veto on LB 1031

The reconsidered Ashford-Crosby motion to override the Governor's line-item vetoes to LB 1031, Section 9, page 46, lines 21 and 25 for FY 1990-91; page 47, line 8; page 49, lines 5 and 8 for FY 1990-91; for transitional ADC benefits and the FY 1990-91 amount for the domestic violence program. was renewed.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative. 36:

Abboud
Ashford
Baack
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Johnson, R.
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative. 0.

Present and not voting, 12:

Barrett
Beyer
Coordsen
Hannibal
Hefner
Johnson, L.
Kristensen
Lamb
Langford
Moore
Scofield
Warner

Excused and not voting, 1:

Peterson

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1031

Mrs. Nelson moved to override the Governor's line-item veto regarding funding for Nebraska Library Commission, Agency 34:
1. LB 1031, Section 35, Program 302, $6,000 for the "Literacy in Nebraska" conference.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 18:

Baack
Chambers
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Johnson, R.
Landis
Lynch
McFarland
Nelson
Robak
Schellpeper
Smith
Weihing
Withem

Voting in the negative, 20:

Barrett
Beck
Beyer
Byars
Goodrich
Hannibal
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Moore
Morrissey
Peterson
Schimek
Schmit
Warner
Wehrbein

Present and not voting, 11:

Abboud
Ashford
Bernard-Stevens
Coordsen
Elmer
Haberman
Hefner
Pirsch
Rogers
Scofield
Wesely

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1031

Mr. Coordsen moved to override the veto of $1,900,000 on line 5, page 151, of LB 1031.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 35:

Baack
Barrett
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
Morrissey
Robak
Rogers
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 2:

Abboud
Beck

Present and not voting, 12:

Ashford
Beyer
Dierks
Johnson, L.
McFarland
Moore
Nelson
Peterson
Pirsch
Schimek
Scofield
Warner

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1031

Mr. Morrissey moved to override the Governor's line-item vetoes of LB 1031, page 104, Section 26, lines 11 and 12, and page 105, lines

20-21, for audits of farm machinery and implement retail sales to Nebraska residents by dealers located in each state under contract.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 14:

Ashford
Baack
Byars
Chambers
Chizek
Conway
Dierks
Elmer
Hartnett
Hefner
Morrissey
Schellpeper
Schimek
Weihing

Voting in the negative, 24:

Abboud
Barrett
Beck
Bernard-Stevens
Beyer
Coordsen
Goodrich
Hall
Hannibal
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Nelson
Robak
Schmit
Scofield
Smith
Wesely

Present and not voting, 11:

Crosby
Haberman
Johnson, L.
Lynch
Moore
Peterson
Pirsch
Rogers
Warner
Wehrbein
Withem

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1031

Mr. Schmit moved to override the Governor's line-item vetoes as contained in Section 42 of LB 1031.

PURPOSE: To reinstate the appropriation of $24,100 from the General Fund and accompanying salary expenditure authorization of $18,000 for FY 1990-91 to support an academic counseling position and related costs to serve the academic and other counseling needs of students attending the Nebraska Indian Community College.

Mrs. Langford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Schmit requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 23:

Baack
Chambers
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Hefner
Korshoj
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Robak
Schellpeper
Schimek
Schmit
Weihing
Wesely
Withem

Voting in the negative, 9:

Beck
Beyer
Goodrich
Johnson, L.
Moore
Nelson
Smith
Warner
Wehrbein

Present and not voting, 17:

Abboud
Ashford
Barrett
Bernard-Stevens
Byars
Coordsen
Elmer
Haberman
Hannibal
Johnson, R.
Kristensen
Lamb
Langford
Peterson
Pirsch
Rogers
Scofield

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1031

Mr. Chizek moved to override the Governor's veto of $395,000 contained in Section 67 for the Museum of Nebraska Art at Kearney, in LB 1031.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Kristensen requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 21:

Ashford
Bernard-Stevens
Chambers
Chizek
Conway
Crosby
Elmer
Goodrich
Johnson, R.
Kristensen
Landis
Langford
Lindsay
Lynch
Nelson
Rogers
Schellpeper
Schimek
Schmit
Weihing
Withem

Voting in the negative, 24:

Abboud
Baack
Beck
Beyer
Byars
Coordsen
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Labedz
Lamb
McFarland
Moore
Morrissey
Peterson
Pirsch
Robak
Warner
Wehrbein
Wesely

Present and not voting, 4:

Barrett
Dierks
Scofield
Smith

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1031

Mr. Schellpeper moved to override the Governor's line-item veto of Section 48 in LB 1031, relating to the State Foster Care Review Board.

Mr. Schellpeper requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 33:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hall
Hartnett
Johnson, R.
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schmit
Smith
Wesely
Withem

Voting in the negative, 10:

Byars
Goodrich
Hefner
Johnson, L.
Korshoj
Moore
Pirsch
Warner
Wehrbein
Weihing

Present and not voting, 6:

Ashford
Beyer
Hannibal
Peterson
Schimek
Scofield

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1990, at 4:03 p.m., were the following bills: 1109, 431, 1055, 1124, 1153, 1153A, 1221, 1246, and 1246A.

(Signed) Jeffrey DeLine, Enrolling Clerk

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 9, 1990, at 4:05 p.m., were the following resolution and bill: LR 11CA and LB 1141.

(Signed) Jeffrey DeLine, Enrolling Clerk

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the override of Aging funding, to LB 1031.

(Signed) David Landis

RESOLUTION

LEGISLATIVE RESOLUTION 427. Introduced by Banking, Commerce and Insurance Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Conway, 17th District; Haberman, 44th District; Lynch, 13th District; Schmit, 23rd District; Weihing, 48th District; Wesely, 26th District.

PURPOSE: The purposes of this study are to (1) review the performance of the Nebraska Investment Finance Authority, NIFA, in light of its statutory responsibilities, (2) examine the responsibility and liability of the State of Nebraska for NIFA action, and (3) consider appropriate legislative changes in the statutes to enhance the ability of NIFA to fulfill its public purpose.

NIFA was created as a quasi-public corporation pursuant to enabling legislation passed by the Legislature for the specific purpose of providing low-interest loans to Nebraskans for home ownership, agricultural development, and business development and was created as a conduit to take advantage of federal laws relating to tax-exempt bonds. The federal government, through changes in national tax policy, has limited the opportunity to use NIFA in providing low-interest financing to Nebraskans for various activities and industries. Therefore, the Legislature should review NIFA's place in public policy taking into consideration changing economic conditions and tax policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Override Veto on LB 163

Mr. R. Johnson moved that LB 163 become law notwithstanding the objections of the Governor.

PRESIDENT NICHOL PRESIDING

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. R. Johnson requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Chambers
Chizek
Conway
Crosby
Dierks
Hall
Hartnett
Johnson, R.
Korshoj
Kristensen
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 16:

Abboud
Beyer
Coordsen
Elmer
Goodrich
Haberman
Hannibal
Hefner
Johnson, L.
Labedz
Lamb
Langford
Peterson
Robak
Schmit
Warner

Present and not voting, 2:

Byars
Moore

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 163A

Mr. R. Johnson moved that LB 163A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Ashford
Baack
Barrett
Bernard-Stevens
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Hall
Hartnett
Johnson, R.
Korshoj
Kristensen
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 13:

Abboud
Beyer
Elmer
Goodrich
Haberman
Hefner
Johnson, L.
Labedz
Lamb
Landis
Langford
Peterson
Schmit

Present and not voting, 5:

Beck
Byars
Hannibal
Moore
Robak

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1019

Mr. R. Johnson moved that LB 1019 become law notwithstanding the objections of the Governor.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 5 nays, and 14 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 12:

Ashford
Chambers
Conway
Haberman
Johnson, R.
McFarland
Nelson
Pirsch
Robak
Weihing
Wesely
Withem

Voting in the negative, 31:

Abboud
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Coordsen
Crosby

Dierks
Elmer
Goodrich
Hall
Hannibal
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lynch
Peterson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein

Present and not voting, 6:

Chizek
Hartnett
Lindsay
Moore
Morrissey
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 503

Messrs. Kristensen, Baack, Chambers, Bernard-Stevens, and Goodrich moved that LB 503 become law notwithstanding the objections of the Governor.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Ashford
Baack
Barrett
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Robak
Schimek
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 8:

Abboud
Beck
Haberman
Nelson
Peterson
Pirsch
Schellpeper
Smith

Present and not voting, 6:

Bernard-Stevens
Hannibal
Johnson, R.
Rogers
Schmit
Scofield

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 503A

Mr. Kristensen moved that LB 503A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Morrissey
Robak
Schimek
Scofield
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 6:

Abboud
Beck
Haberman
Peterson
Pirsch
Schellpeper

Present and not voting, 5:

Lynch
Nelson
Rogers
Schmit
Smith

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 164

Mr. Ashford moved that LB 164 become law notwithstanding the objections of the Governor.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Abboud
Ashford
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Johnson, L.
Johnson, R.
Kristensen
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schimek
Smith
Warner
Wehrbein
Weihing
Wesely

Voting in the negative, 9:

Conway
Coordsen
Haberman
Hefner
Korshoj
Lamb
Moore
Peterson
Schellpeper

Present and not voting, 7:

Baack
Barrett
Hartnett
Labedz
Schmit
Scofield
Withem

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 164A

Mr. Ashford moved that LB 164A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Abboud
Ashford
Baack
Beck
Bernard-Stevens
Beyer
Byars
Chambers
Chizek

Coordsen	Johnson, L.	Lynch	Pirsch	Warner
Crosby	Johnson, R.	McFarland	Robak	Wehrbein
Dierks	Kristensen	Moore	Rogers	Weihing
Elmer	Landis	Morrissey	Schimek	Wesely
Goodrich	Lindsay	Nelson	Smith	Withem
Hall				

Voting in the negative, 4:

Haberman	Hefner	Lamb	Peterson

Present and not voting, 10:

Barrett	Hannibal	Korshoj	Langford	Schmit
Conway	Hartnett	Labedz	Schellpeper	Scofield

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 678

Mr. Wesely moved that LB 678 become law notwithstanding the objections of the Governor.

Mr. Wesely withdrew his motion to override LB 678.

MOTION - Override Veto on LB 880

Messrs. Lindsay and Chizek moved that LB 880 become law notwithstanding the objections of the Governor.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 10 nays, and 29 not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lindsay requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 25:

Abboud
Ashford
Beck
Chizek
Conway
Dierks
Goodrich
Hall
Hartnett
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Weihing
Withem

Voting in the negative, 24:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chambers
Coordsen
Crosby
Elmer
Haberman
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Langford
Moore
Peterson
Scofield
Smith
Warner
Wehrbein
Wesely

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 42

Messrs. Kristensen, Schmit, Lindsay, and Chizek moved that LB 42 become law notwithstanding the objections of the Governor.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Kristensen requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Goodrich
Hall
Hartnett
Hefner
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Nelson

Robak
Rogers
Schellpeper
Schimek
Schmit
Weihing
Withem

Voting in the negative, 17:

Beck
Chambers
Haberman
Hannibal
Johnson, L.
Korshoj
Lamb
Langford
Moore
Morrissey
Peterson
Pirsch
Scofield
Smith
Warner
Wehrbein
Wesely

Present and not voting, 2:

Elmer
Johnson, R.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 42A

Messrs. Kristensen, Lindsay, and Chizek moved that LB 42A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Landis
Lindsay
Lynch
McFarland
Moore
Nelson
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 10:

Chambers
Haberman
Korshoj
Lamb
Langford
Morrissey
Peterson
Pirsch
Smith
Wesely

Present and not voting, 3:

Beck
Coordsen
Johnson, R.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 536

Mr. Ashford moved that LB 536 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 40:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Kristensen
Labedz
Landis
McFarland
Morrissey
Nelson
Pirsch
Robak
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 9:

Beck
Beyer
Lamb
Langford
Lindsay
Lynch
Moore
Peterson
Rogers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 187

Mr. Lynch moved that LB 187 become law notwithstanding the objections of the Governor.

Mr. Lynch requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 25:

Ashford
Baack
Beck
Bernard-Stevens
Byars
Chambers
Chizek
Conway
Crosby
Dierks
Goodrich
Hall
Hartnett
Johnson, R.
Korshoj
Kristensen
Labedz
Lindsay
Lynch
Morrissey
Robak
Schellpeper
Schmit
Weihing
Withem

Voting in the negative, 23:

Abboud
Barrett
Beyer
Coordsen
Haberman
Hannibal
Hefner
Johnson, L.
Lamb
Landis
Langford
McFarland
Moore
Nelson
Peterson
Pirsch
Rogers
Schimek
Scofield
Smith
Warner
Wehrbein
Wesely

Present and not voting, 1:

Elmer

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1126

Mr. Wesely moved that LB 1126 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

Baack
Beck
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Moore
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper

Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 11:

Abboud
Ashford
Barrett
Beyer
Chambers
Goodrich
Hannibal
Korshoj
Kristensen
Lamb
Peterson

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1059

Mr. Withem moved that LB 1059 become law notwithstanding the objections of the Governor.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 15 nays, and 9 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Elmer
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 16:

Abboud
Ashford
Beck
Crosby
Goodrich
Hannibal
Kristensen
Labedz
Lamb
Langford
McFarland
Peterson
Pirsch
Robak
Schmit
Wesely

Present and not voting, 1:

Chambers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1059A

Mr. Withem moved that LB 1059A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Dierks
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
Lindsay
Lynch
Moore
Morrissey
Nelson
Rogers
Schellpeper
Schimek
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 15:

Abboud
Ashford
Beck
Crosby
Goodrich
Kristensen
Labedz
Lamb
Langford
McFarland
Peterson
Pirsch
Robak
Schmit
Wesely

Present and not voting, 3:

Chambers
Elmer
Hannibal

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 855

Mr. R. Johnson moved that LB 855 become law notwithstanding the objections of the Governor.

SPEAKER BARRETT PRESIDING

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 23:

Ashford
Baack
Barrett
Bernard-Stevens
Conway
Coordsen
Dierks
Elmer
Haberman
Hartnett
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Lamb
Lindsay
Robak
Rogers
Schmit
Wehrbein
Weihing
Withem

Voting in the negative, 21:

Abboud
Beck
Beyer
Byars
Chizek
Crosby
Goodrich
Hannibal
Johnson, L.
Landis
Langford
McFarland
Moore
Nelson
Peterson
Pirsch
Schimek
Scofield
Smith
Warner
Wesely

Present and not voting, 5:

Chambers
Hall
Lynch
Morrissey
Schellpeper

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 843

Mr. Baack moved that LB 843 become law notwithstanding the objections of the Governor.

PRESIDENT NICHOL PRESIDING

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

Abboud
Ashford
Baack
Bernard-Stevens
Byars
Chizek
Conway
Coordsen

Dierks
Elmer
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Johnson, R.
Labedz
Landis
Langford
Lindsay
Lynch
McFarland
Morrissey
Nelson
Robak
Rogers
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 13:

Barrett
Beck
Beyer
Chambers
Crosby
Goodrich
Korshoj
Kristensen
Lamb
Moore
Peterson
Pirsch
Schellpeper

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 843A

Mr. Baack moved that LB 843A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Abboud
Ashford
Baack
Bernard-Stevens
Byars
Conway
Coordsen
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Landis
Lynch
McFarland
Moore
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schimek
Scofield
Smith
Wehrbein
Weihing
Withem

Voting in the negative, 0.

Present and not voting, 18:

Barrett
Beck
Beyer
Chambers
Chizek
Crosby
Hannibal
Korshoj
Kristensen
Labedz
Lamb
Langford
Lindsay
Peterson
Pirsch

Schmit
Warner
Wesely

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SPEAKER BARRETT PRESIDING

MOTION - Override Veto on LB 1004

Mr. Rogers moved that LB 1004 become law notwithstanding the objections of the Governor.

Mr. Rogers requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
Moore
Morrissey
Pirsch
Rogers
Schmit
Scofield
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 12:

Abboud
Beck
Hannibal
Johnson, R.
Landis
McFarland
Nelson
Robak
Schellpeper
Schimek
Smith
Wesely

Present and not voting, 2:

Korshoj
Peterson

Absent and not voting, 1:

Chambers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1004A

Mr. Rogers moved that LB 1004A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

Abboud
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Kristensen
Labedz
Lamb
Landis
Lindsay
Lynch
McFarland
Moore
Morrissey
Rogers
Schimek
Scofield
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 15:

Ashford
Beck
Chambers
Hannibal
Johnson, R.
Korshoj
Langford
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schmit
Smith
Warner

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1222

Mr. Hartnett moved that LB 1222 become law notwithstanding the objections of the Governor.

Mr. Korshoj moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Goodrich
Haberman
Hall
Hartnett
Kristensen
Labedz
Landis
Langford
Lindsay
McFarland
Morrissey
Nelson
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Weihing
Wesely
Withem

Voting in the negative, 12:

Byars
Elmer
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Moore
Peterson
Warner
Wehrbein

Present and not voting, 2:

Chambers
Lynch

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1222A

Mr. Hartnett moved that LB 1222A become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Abboud
Ashford
Baack
Beck
Bernard-Stevens
Beyer
Chizek
Conway
Coordsen
Crosby
Dierks
Haberman
Hall
Hartnett
Kristensen
Labedz
Lindsay
Lynch
McFarland
Morrissey
Pirsch
Robak
Rogers
Schellpeper
Schimek
Schmit
Scofield
Smith
Wehrbein

Wesely
Withem

Voting in the negative, 14:

Barrett
Byars
Elmer
Goodrich
Hannibal
Hefner
Johnson, L.
Johnson, R.
Korshoj
Lamb
Landis
Moore
Peterson
Warner

Present and not voting, 4:

Chambers
Langford
Nelson
Weihing

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 1031

Mr. Wesely moved to reconsider the Coordsen motion to override the veto in Section 8 of LB 1031.

Mr. Coordsen requested a roll call vote on the Wesely motion to reconsider.

Voting in the affirmative, 14:

Byars
Conway
Coordsen
Crosby
Dierks
Haberman
Hartnett
Labedz
Lynch
Robak
Rogers
Schellpeper
Schmit
Wesely

Voting in the negative, 26:

Abboud
Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Elmer
Goodrich
Hall
Hannibal
Johnson, L.
Kristensen
Lamb
Landis
Langford
McFarland
Moore
Nelson
Peterson
Pirsch
Scofield
Smith
Warner
Wehrbein
Weihing

Present and not voting, 8:

Chizek
Hefner
Johnson, R.
Korshoj
Lindsay
Morrissey
Schimek
Withem

Absent and not voting, 1:

Chambers

The Wesely motion to reconsider lost with 14 ayes, 26 nays, 8 present and not voting, and 1 absent and not voting.

MOTION - Reconsider Action on LB 187

Mr. Wesely moved to reconsider the Lynch motion to override the veto of LB 187.

Mr. Wesely withdrew his motion to reconsider LB 187.

MOTION - Override Veto on LB 898

Ms. Scofield and Mr. Schmit moved that LB 898 become law notwithstanding the objections of the Governor.

Ms. Scofield requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 18:

Ashford
Baack
Bernard-Stevens
Chizek
Coordsen
Crosby
Dierks
Haberman
Hartnett
Hefner
Peterson
Robak
Rogers
Schimek
Schmit
Scofield
Weihing
Wesely

Voting in the negative, 21:

Abboud
Beck
Goodrich
Hall
Hannibal
Johnson, L.
Johnson, R.
Korshoj
Labedz
Lamb
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Pirsch
Schellpeper
Smith
Warner
Wehrbein

Present and not voting, 9:

Barrett
Beyer
Byars
Conway
Elmer
Kristensen
Langford
Lynch
Withem

Absent and not voting, 1:

Chambers

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 662

Ms. Scofield moved that LB 662 become law notwithstanding the objections of the Governor.

Ms. Scofield withdrew her motion to override LB 662.

MOTION - Override Veto on LB 1170

Ms. Scofield moved that LB 1170 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

Ashford
Baack
Barrett
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, R.
Korshoj
Kristensen
Labedz
Langford
Lynch
McFarland
Moore
Morrissey
Nelson
Robak
Schellpeper
Schimek
Schmit
Scofield
Smith
Warner
Wehrbein
Weihing
Withem

Voting in the negative, 5:

Abboud
Landis
Lindsay
Pirsch
Wesely

Present and not voting, 8:

Beck
Chambers
Coordsen
Hannibal
Johnson, L.
Lamb
Peterson
Rogers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Line-Item Veto on LB 920

Messrs. Byars and L. Johnson moved to override the Governor's line-item veto of LB 920 in Sections 6 and 7.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 12:

Baack
Bernard-Stevens
Byars
Conway
Elmer
Goodrich
Haberman
Johnson, L.
Johnson, R.
Lynch
Smith
Weihing

Voting in the negative, 27:

Abboud
Barrett
Beck
Beyer
Chizek
Coordsen
Crosby
Hall
Hannibal
Hefner
Korshoj
Lamb
Landis
Langford
Lindsay
McFarland
Moore
Nelson
Peterson
Pirsch
Robak
Rogers
Schmit
Scofield
Warner
Wehrbein
Wesely

Present and not voting, 10:

Ashford
Chambers
Dierks
Hartnett
Kristensen
Labedz
Morrissey
Schellpeper
Schimek
Withem

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 1043

Mr. Lynch moved that LB 1043 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Abboud
Ashford
Baack
Barrett
Bernard-Stevens
Byars
Chizek
Conway
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Korshoj
Kristensen
Labedz
Landis
Lindsay
McFarland
Moore
Morrissey
Nelson
Robak
Rogers
Schellpeper
Schimek
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 7:

Beck
Hannibal
Hefner
Johnson, L.
Langford
Peterson
Pirsch

Present and not voting, 7:

Beyer
Chambers
Coordsen
Johnson, R.
Lamb
Lynch
Scofield

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 834

Mr. Haberman moved that LB 834 become law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Abboud
Baack
Beck
Bernard-Stevens
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Goodrich
Haberman
Hall
Hartnett
Hefner
Johnson, L.
Johnson, R.
Korshoj
Landis
McFarland
Moore
Morrissey
Pirsch
Schellpeper
Schmit
Smith
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 18:

Ashford
Barrett
Beyer
Chambers
Hannibal
Kristensen
Labedz
Lamb
Langford
Lindsay
Lynch
Nelson
Peterson
Robak
Rogers
Schimek
Scofield
Warner

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MESSAGE FROM THE SECRETARY OF STATE

April 9, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Clerk:

Engrossed Legislative Resolutions, numbers 11 and 1141, were received in my office on April 9, 1990 at 4:07 p.m. and 4:10 p.m. respectively.

Legislative Resolutions 11 and 1141 will be filed in this office and made a part of the public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 834 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 834, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 834 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1043 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1043, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1043 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1170 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1170, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1170 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1222 and LB 1222A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1222 and LB 1222A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1222 and Legislative Bill 1222A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1004 and LB 1004A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1004 and LB 1004A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1004 and Legislative Bill 1004A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 843 and LB 843A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 843 and LB 843A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 843 and Legislative Bill 843A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1059 and LB 1059A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1059 and LB 1059A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1059 and Legislative Bill 1059A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1126 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1126, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1126 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 536 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 536, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 536 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 42 and LB 42A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 42 and LB 42A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 42 and Legislative Bill 42A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln. NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 164 and LB 164A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 164 and LB 164A. notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 164 and Legislative Bill 164A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln. NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 503 and LB 503A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 503 and LB 503A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 503 and Legislative Bill 503A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 163 and LB 163A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 163 and LB 163A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

Enc.

CERTIFICATE

Legislative Bill 163 and Legislative Bill 163A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

(Signed) William E. Barrett
Acting President of the Legislature

COMMUNICATION

April 9, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1031 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1031, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 1031 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1. Agency 71, Section 49, Subsection (2), Community Aging Services Act for FY 1990-91.

2. Agency 49, Section 41, funds for Humanities Council for FY 1990-91.
3. Agency 26, Section 9, Transitional Benefit-AFDC Client and Domestic Violence Program Aid for FY 1990-91.
4. Agency 51, Section 68, UNL-Greenhouse Renovation, project limit only.
5. Agency 70, Section 48, New Supervisor Position.

(Signed) William E. Barrett
Acting President of the Legislature

LR 232 SPECIAL INVESTIGATIVE COMMITTEE REPORT

Mr. Schmit, Chairperson, advised his colleagues about several matters pertaining to the work being conducted by the LR 232 Special Investigative Committee.

MOTION - Approve Appointment

Mr. Lamb moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 1965: Leslie Chaffin - Board of Public Roads Classifications and Standards.

Voting in the affirmative, 40:

Ashford
Baack
Barrett
Beck
Bernard-Stevens
Beyer
Byars
Chizek
Conway
Coordsen
Crosby
Dierks
Elmer
Haberman
Hall
Hannibal
Hartnett
Hefner
Johnson, L.
Korshoj
Kristensen
Lamb
Landis
Langford
Lindsay
McFarland
Morrissey
Nelson
Peterson
Pirsch
Robak
Schellpeper
Schimek
Schmit
Smith
Warner
Wehrbein
Weihing
Wesely
Withem

Voting in the negative, 0.

Present and not voting, 9:

Abboud
Chambers
Goodrich
Johnson, R.
Labedz
Lynch
Moore
Rogers
Scofield

The appointment was confirmed with 40 ayes, 0 nays, and 9 present and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 379. Read. Considered.

LR 379 was adopted with 38 ayes, 0 nays, and 11 not voting.

LEGISLATIVE RESOLUTION 421. Read. Considered.

LR 421 was adopted with 39 ayes, 0 nays, and 10 not voting.

LEGISLATIVE RESOLUTION 422. Read. Considered.

LR 422 was adopted with 38 ayes, 0 nays, and 11 not voting.

LEGISLATIVE RESOLUTION 423. Read. Considered.

LR 423 was adopted with 40 ayes, 0 nays, and 9 not voting.

LEGISLATIVE RESOLUTION 424. Read. Considered.

LR 424 was adopted with 35 ayes, 0 nays, and 14 not voting.

LEGISLATIVE RESOLUTION 425. Read. Considered.

LR 425 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 426. Read. Considered.

LR 426 was adopted with 37 ayes, 0 nays, and 12 not voting.

PRESIDENT NICHOL PRESIDING

MOTION - Advise Governor

Mr. McFarland moved that a committee of five be appointed to advise the Governor that the Ninety-First Legislature, Second Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Messrs. Weihing, R. Johnson, Korshoj, Hannibal, and Ms. Scofield to serve on said Committee.

The Committee returned and escorted Governor Kay Orr to the rostrum where she delivered a message to the members.

The Committee escorted the Governor from the Chamber.

MOTION - Disposition of Bills

Mr. Korshoj moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the Chairpersons of all Standing Committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Journal, Session Laws, and Indexes

Mr. R. Johnson moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitors to the Chamber were 30 fifth grade students and teacher from Oxford and Mascot Public Schools; Senator Coordsen's son, Kevin, and Monica Scott and Des'iree; Dr. Claris Ramsey from Lincoln; and Senator Hannibal's brother, sister-in-law, mother, and daughter, Jim, Jean, Lois, and Sandra Hannibal.

MOTION - Adjourn Sine Die

Mr. Hannibal moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved and that the Ninety-First Legislature, Second Session of the Legislature, having finished all business before it, now at 10:17 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE SECOND SESSION

CORRECTED MESSAGE FROM THE GOVERNOR

April 24, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 50, 143, 240, 240A, 465, 350, 350A, 692, and 742 were received in my office on February 15, 1990.

These bills were signed by me on February 20, 1990, and delivered to the Secretary of State. This corrects a letter dated February 20, 1990, which states that these bills were signed on February 15, 1990.

Sincerely,
(Signed) KAY A. ORR
Governor

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 379, 421, 422, 423, 424, 425, and 426.

MESSAGES FROM THE GOVERNOR

April 12, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I have decided to allow LB 931 to become law without my signature.

LB 931 allows certain elected officials to hold more than one elected office. While such a provision might be useful in less populated areas of the state, LB 931 seemed to be passed without a careful consideration of the negative consequences. I am not comfortable signing it and would hope that we can work together to correct any problems should they occur.

Sincerely,
(Signed) KAY A. ORR
Governor

April 14, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 431, 1109, 1153, 1153A, and 1221 were received in my office on April 9, 1990.

These bills were signed by me on April 12, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 14, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1246 and 1246A were received in my office on April 9, 1990.

These bills were signed by me on April 14, 1990, and delivered to the Secretary of State.

Sincerely,
(Signed) KAY A. ORR
Governor

April 14, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Today I signed LB 1055.

LB 1055 would modify the parimutuel tax on the racetracks and allow the racetracks to retain a larger share of the betting pool. The purpose of the bill is to help the horse-racing industry survive for a few more years until it can become profitable.

In 1987, the race tracks were given a tax exemption to help them survive. This exemption was to expire at the end of this year. Instead of expiring, the exemption is continued in modified form by LB 1055 until 1994 when a slightly higher tax is imposed.

Although I signed LB 1055, I view it as another short term solution to the problems of the racing industry. These problems need to be addressed immediately and long term solutions need to be implemented. The racing industry is important in Nebraska. We cannot wait, however, until 1994 to see whether another band-aid is needed to let the industry survive another few years. All of the parties involved must begin at once to determine how the industry can survive. If it is to survive, it must be determined how it should be structured. If it is not going to survive, plans must be made to help those communities and persons involved in the industry through the transition.

These problems must be resolved. Temporary fixes every few years are not an answer.

Sincerely,
(Signed) KAY A. ORR
Governor

April 14, 1990

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Today I signed LB 1124.

LB 1124 would establish a transferable production credit program for ethanol produced in the state, would set forth new mandates for oxygenate levels and aromatics in reformulated gasoline, and would expand the existing authorities of the Ethanol Development Authority to include the acquisition of ethanol production facilities.

The primary intent of this legislation is to facilitate the development of ethanol production facilities in Nebraska, a goal to which I am firmly committed to support. Our state has been a leader in ethanol use and research since the inception of the industry, and ethanol production belongs in the state.

While I have signed this measure to promote ethanol production in the state, there are several potential problems with the bill that must addressed. The Attorney General has issued Opinion # 90027 which states that the producer incentive contained in Section 1 of the bill may be unconstitutional. This raises some questions which need to be answered. If the production credit is mired down in a legal challenge, the severability clause contained in the bill would allow the reduction of the retail incentive from $.03 to $.02 per gallon to take effect. Such a scenario could erode the existing market share for ethanol blend gasoline without the benefit of stimulating ethanol production in the state.

In addition, Section 8 would mandate that reformulated gasoline sold in the state after January 1, 1992 have oxygenate levels of 3.1% and a maximum aromatic content of 20%. This provision raises several issues that were not discussed until the bill was on Final Reading. First, no definition is given for reformulated gasoline. This by itself may make the mandates unenforceable. Second, both of these mandates are more stringent than those dealing with the same subject included in the recently passed Senate version of the federal Clean Air Act. While clean air is a laudable objective that I fully support, Nebraska has no areas that are in non-attainment with EPA air quality standards, partly due to the high usage of ethanol blend fuels in our urban areas. It is also possible that these mandates could impact the supply of gasoline to the state.

These problems must be addressed so that they can be resolved in the next Legislative session. By working together we can refine the provisions of the bill to clear up any questions. It is essential to continue to support this very important industry, and I pledge my assistance to that regard.

Sincerely,
(Signed) KAY A. ORR
Governor

COMMUNICATIONS

April 11, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on LB 520A, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

April 11, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on LB 920, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

April 11, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on LB 1090A, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

April 11, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Orr on LB 1241, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

April 11, 1990

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on LB 1220, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

REPORT

Received acknowledgement of receipt of report from the Nebraska Coordinating Commission for Postsecondary Education pursuant to section 85-9,108.

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1222 and L.B. 1222A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 9:43 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 1222 and L.B. 1222A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1222 and Legislative Bill 1222A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 1222 and L.B. 1222A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1222 and L.B. 1222A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 9:43 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 1222 and L.B. 1222A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1222 and Legislative Bill 1222A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1043, without the Governor's signature and with her objections, was filed in the office of Secretary of State on April 10, 1990 at 9:44 a.m. A copy of the Governor's veto message dated April 7, 1990 is attached to L.B. 1043 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1043 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 1043, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1043, without the Governor's signature and with her objections was filed in the office of the Secretary of State on April 10, 1990, at 9:44 a.m. A copy of the Governor's veto message dated April 7, 1990 is attached to L.B. 1043 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1043 having been returned by the Governor with her objections thereto, and after reconsideration having passed the

> Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 834, without the Governor's signature and with her objections, was filed in the office of Secretary of State on April 10, 1990 at 9:40 a.m. A copy of the Governor's veto message dated April 7, 1990 is attached to L.B. 834 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 834 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 834, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 834, without the Governor's signature and with her objections was filed in the office of the Secretary of State on April 10, 1990, at 9:40 a.m. A copy of the Governor's veto message dated April 7, 1990 is attached to L.B. 834 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 834 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1059 and L.B. 1059A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 10:55 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 1059 and L.B. 1059A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1059 and Legislative Bill 1059A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 1059 and L.B. 1059A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1059 and L.B. 1059A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 10:55 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 1059 and L.B. 1059A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1059 and Legislative Bill 1059A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1126, without the Governor's signature and with her objections, was filed in the office of Secretary of State on April 10, 1990 at 9:57 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 1126 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1126 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 1126, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1126, without the Governor's signature and with her objections was filed in the office of the Secretary of State on April 10, 1990, at 9:57 a.m. A copy of the Governor's veto message dated April 4, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1126 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 536, without the Governor's signature and with her objections, was filed in the office of Secretary of State on April 10, 1990 at 9:59 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 536 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 536 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 536, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 536, without the Governor's signature and with her objections was filed in the office of the Secretary of State on April 10, 1990, at 9:59 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 536 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 536 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 163 and L.B. 163A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 10:16 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B.. 163 and L.B. 163A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 163 and Legislative Bill 163A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 163 and L.B. 163A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 163 and L.B. 163A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 10:16 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 163 and L.B. 163A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 163 and Legislative Bill 163A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1004 and L.B. 1004A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 9:46 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 1004 and L.B. 1004A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1004 and Legislative Bill 1004A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 1004 and L.B. 1004A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1004 and L.B. 1004A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 9:46 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 1004 and L.B. 1004A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1004 and Legislative Bill 1004A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell

Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 843 and L.B. 843A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 9:50 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 843 and L.B. 843A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 843 and Legislative Bill 843A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 843 and L.B. 843A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 843 and L.B. 843A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 9:50 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 843 and L.B. 843A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 843 and Legislative Bill 843A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1170, without the Governor's signature and with her objections, was filed in the office of Secretary of State on April 10, 1990 at 9:45 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 1170 and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1170 having been returned by the Governor with her objections thereto, and after reconsideration having passed the

Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 1170, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1170, without the Governor's signature and with her objections was filed in the office of the Secretary of State on April 10, 1990, at 9:45 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 1170 and is likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1170 having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 503 and L.B. 503A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 10:12 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 503 and L.B. 503A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 503 and Legislative Bill 503A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 503 and L.B. 503A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State

State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 503 and L.B. 503A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 10:12 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 503 and L.B. 503A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 503 and Legislative Bill 503A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 10, 1990 at 9:37 o'clock a.m., L.B. 1031. Along with L.B. 1031 I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 1031 having been returned by the Governor with her signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:
>
> 1. Agency 71, Section 49, Subsection (2), Community Aging Services Act for FY 1990-91.
> 2. Agency 49, Section 41, funds for Humanities Council for FY 1990-91.
> 3. Agency 26, Section 9, Transitional Benefit-AFDC Client and Domestic Violence Program Aid for FY 1990-91.
> 4. Agency 51, Section 68, UNL-Greenhouse Renovation, project limit only.
> 5. Agency 70, Section 48, New Supervisor Position.

Your letter, the certificate and L.B. 1031 were forwarded to my office pursuant to the provisions of 84-503, R.R.S. These provisions have become law on the 9th day of April, 1990.

Further, I hereby acknowledge that L.B. 1031, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosure: Certification

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1031, having been returned by the Governor with her signature but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes as follows:

1. Agency 71, Section 49, Subsection (2), Community Aging Services Act for FY 1990-91.
2. Agency 49, Section 41, funds for Humanities Council for FY 1990-91.

3. Agency 26, Section 9, Transitional Benefit-AFDC Client and Domestic Violence Program Aid for FY 1990-91.
4. Agency 51, Section 68, UNL-Greenhouse Renovation, project limit only.
5. Agency 70, Section 48, New Supervisor Position.

These provisions have become law on the 9th day of April, 1990.

Further, I hereby certify that L.B. 1031 was filed in the office of Secretary of State on April 10, 1990 at 9:37 a.m., along with the cover letter from the Clerk, the Certificate of Bill Barrett, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 42 and L.B. 42A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 10:08 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 42 and L.B. 42A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 42 and Legislative Bill 42A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 42 and L.B. 42A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 42 and L.B. 42A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 10:08 a.m. A copy of the Governor's veto message dated April 6, 1990 is attached to L.B. 42 and L.B. 42A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 42 and Legislative Bill 42A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 10, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 164 and L.B. 164A, without the Governor's signature and with her objections, were filed in the office of Secretary of State on April 10, 1990 at 10:12 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 164 and L.B. 164A and is likewise filed in the office of Secretary of State.

In addition, I hereby acknowledge receipt of your cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 164 and Legislative Bill 164A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby acknowledge that L.B. 164 and L.B. 164A, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record pursuant to the provisions of 84-503, R.R.S.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 164 and L.B. 164A, without the Governor's signature and with her objections were filed in the office of the Secretary of State on April 10, 1990, at 10:13 a.m. A copy of the Governor's veto message dated April 4, 1990 is attached to L.B. 164 and L.B. 164A and are likewise filed in the office of Secretary of State.

In addition, I hereby certify that I received a cover letter dated April 9, 1990 and a certificate signed by Bill Barrett, President of the Legislature, the contents of which are as follows:

> Legislative Bill 164 and Legislative Bill 164A having been returned by the Governor with her objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, they have become law this ninth day of April, 1990.

Finally, I hereby certify that all of these documents have been filed in the office of Secretary of State as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this tenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1220, with the Governor's signature and with certain line-item vetoes, along with the Governor's line-item reduction message were filed in the office of Secretary of State on April 11, 1990 at 9:56 a.m.

Further, I hereby acknowledge receipt of your letter dated April 11, 1990 indicating that "Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on LB 1220, I am delivering the bill for filing in the form and amounts as prescribed by the Governor".

Finally, I hereby acknowledge that L.B. 1220, the Governor's reduction message and your cover letter dated April 11 have all been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1220 passed by the Ninety-first Legislature, Second Session was signed by Governor Kay Orr on April 4, 1990 but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill 1220 will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1090A, with the Governor's signature and with certain line-item vetoes, along with the Governor's line-item reduction message were filed in the office of Secretary of State on April 11, 1990 at 9:55 a.m.

Further, I hereby acknowledge receipt of your letter dated April 11, 1990 indicating that "Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on L.B. 1090A, I am delivering the bill for filing in the form and amounts as prescribed by the Governor".

Finally, I hereby acknowledge that L.B. 1090A, the Governor's reduction message and your cover letter dated April 11 have all been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1090A passed by the Ninety-first Legislature, Second Session was signed by Governor Kay Orr on April 7, 1990 but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill 1090A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 520A, with the Governor's signature and with certain line-item vetoes, along with the Governor's line-item reduction message were filed in the office of Secretary of State on April 11, 1990 at 9:50 a.m.

Further, I hereby acknowledge receipt of your letter dated April 11, 1990 indicating that "Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on L.B. 520A, I am delivering the bill for filing in the form and amounts as prescribed by the Governor".

Finally, I hereby acknowledge that L.B. 520A, the Governor's reduction message and your cover letter dated April 11 have all been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 520A passed by the Ninety-first Legislature, Second Session was signed by Governor Kay Orr on April 4, 1990 but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill 520A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 920, with the Governor's signature and with certain line-item vetoes, along with the Governor's line-item reduction message were filed in the office of Secretary of State on April 11, 1990 at 9:55 a.m.

Further, I hereby acknowledge receipt of your letter dated April 11, 1990 indicating that "Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on L.B. 920, I am delivering the bill for filing in the form and amounts as prescribed by the Governor".

Finally, I hereby acknowledge that L.B. 920, the Governor's reduction message and your cover letter dated April 11 have all been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 920 passed by the Ninety-first Legislature, Second Session was signed by Governor Kay Orr on April 7, 1990 but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill 920 will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 11, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1241, with the Governor's signature and with certain line-item vetoes, along with the Governor's line-item reduction message were filed in the office of Secretary of State on April 11, 1990 at 9:50 a.m.

Further, I hereby acknowledge receipt of your letter dated April 11, 1990 indicating that "Inasmuch as the Legislature did not override the line-item vetoes by Governor Orr on L.B. 1241, I am delivering the bill for filing in the form and amounts as prescribed by the Governor".

Finally, I hereby acknowledge that L.B. 1241, the Governor's reduction message and your cover letter dated April 11 have all been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1241 passed by the Ninety-first Legislature, Second Session was signed by Governor Kay Orr on April 7, 1990 but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill 1241 will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eleventh day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 16, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

I am pleased to inform you, and therefore place in the Journal, the fact that on April 16, 1990 I received from Governor Kay A. Orr a letter dated April 14, 1990 informing this office that she has signed on April 12, 1990 Legislative Bills 431, 1109, 1153, 1153A and 1221.

Along with her cover letter dated April 14 I have received on April 16 the following signed Legislative Bills, 431, 1109, 1153, 1153A and 1221.

Further, I inform you that the Legislative Bills enumerated herein were filed on April 16, 1990 at approximately 10:47 a.m. and have been made a part of the public record in this office.

Respectfully,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that on April 16, 1990 I received from Governor Kay A. Orr a letter dated April 14, 1990 informing this office that she has signed on April 12, 1990 Legislative Bills 431, 1109, 1153, 1153A and 1221.

Along with her cover letter dated April 14 I have received on April 16 the following signed Legislative Bills, 431, 1109, 1153, 1153A and 1221.

Further, I inform you that the Legislative Bills enumerated herein were filed on April 16, 1990 at approximately 10:47 a.m. and have been made a part of the public record in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 16, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

I am pleased to inform you, and therefore place in the Journal, the fact that on April 16, 1990 I received from Governor Kay A. Orr a letter dated April 14, 1990 informing this office that she has signed on April 14, 1990 Legislative Bills 1055 and 1124.

Along with her cover letter dated April 14 I have received on April 16 the following signed Legislative Bills, 1055 and 1124.

In addition to these two there was filed with them a letter from the Governor to the President, Speaker and Members of the Legislature in which the Governor comments on these bills and her letters of comment were attached to the bills. Please note these letters of commentary were not vetoes.

Further, I inform you that the Legislative Bills enumerated herein were filed on April 16, 1990 at approximately 10:50 a.m. and have been made a part of the public record in this office.

Respectfully,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that on April 16, 1990 I received from Governor Kay A. Orr a letter dated April 14, 1990 informing this office that she has signed on April 14, 1990 Legislative Bills 1055 and 1124.

Along with her cover letter dated April 14 I have received on April 16 the following signed Legislative Bills, 1055 and 1124.

In addition to these two there was filed with them a letter from the Governor to the President, Speaker and Members of the Legislature in which the Governor comments on these bills and her letters of comment were attached to the bills. Please note these letters of commentary were not vetoes.

Further, I inform you that the Legislative Bills enumerated herein were filed on April 16, 1990 at approximately 10:50 a.m. and have been made a part of the public record in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL)
Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 16, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

I am pleased to inform you, and therefore place in the Journal, the fact that on April 16, 1990 I received from Governor Kay A. Orr a letter dated April 14, 1990 informing this office that she has signed on April 14, 1990 Legislative Bills 1246 and 1246A.

Along with her cover letter dated April 14 I have received on April 16 the following signed Legislative Bills, 1246 and 1246A.

Further, I inform you that the Legislative Bills enumerated herein were filed on April 16, 1990 at approximately 10:48 a.m. and have been made a part of the public record in this office.

Respectfully,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that on April 16, 1990 I received from Governor Kay

A. Orr a letter dated April 14, 1990 informing this office that she has signed on April 14, 1990 Legislative Bills 1246 and 1246A.

Along with her cover letter dated April 14 I have received on April 16 the following signed Legislative Bills, 1246 and 1246A.

Further, I inform you that the Legislative Bills enumerated herein were filed on April 16, 1990 at approximately 10:48 a.m. and have been made a part of the public record in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 16, 1990

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you and therefore to have placed in the Journal the fact that I have received Engrossed Legislative Bill 931 from Governor Kay A. Orr on April 16, 1990.

Along with the bill, L.B. 931, I received a letter from Governor Kay A. Orr dated April 16, 1990, the contents of which are as follows:

> "This bill rested with me five days after the Legislature adjourned. As provided in Article IV, Section 15 of the Constitution, I have neither signed nor vetoed LB 931 and have allowed it to become law without my signature".

Further, I hereby certify that L.B. 931 and the Governor's letter dated April 16, 1990 were filed in this office by Governor Kay A. Orr on April 16, 1990 at 10:50 a.m.

Finally, I hereby certify that L.B. 931 and the Governor's letter dated April 16 referenced above have been filed in this office on April 16, 1990 and have been made a part of the public record.

Respectfully,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received Engrossed Legislative Bill 931 from Governor Kay A. Orr on April 16, 1990.

Along with the bill, L.B. 931, I received a letter from Governor Kay A. Orr dated April 16, 1990, the contents of which are as follows:

> "This bill rested with me five days after the Legislature adjourned. As provided in Article IV, Section 15 of the Constitution, I have neither signed nor vetoed LB 931 and have allowed it to become law without my signature".

Further, I hereby certify that L.B. 931 and the Governor's letter dated April 16, 1990 were filed in this office by Governor Kay A. Orr on April 16, 1990 at 10:50 a.m.

Finally, I hereby certify that L.B. 931 and the Governor's letter dated April 16 referenced above have been filed in this office on April 16, 1990 and have been made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of April in the year of our Lord, one thousand nine hundred and ninety.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 427.

LR	**Committee**
427	Banking, Commerce and Insurance

(Signed) Bernice Labedz, Chairperson
Legislative Council
Executive Board

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-First Legislature, Second Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

April 16, 1990
Lincoln, Nebraska

2112

INDEXES FOR

LEGISLATIVE JOURNAL

NINETY-FIRST LEGISLATURE

SECOND SESSION

1990

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-90

2114

CHRONOLOGY OF BILLS

NINETY-FIRST LEGISLATURE
SECOND SESSION
1990

LEGISLATIVE BILL 37. By R. Johnson

Jan.	3	1	Title	3
Jan.	3	1	R. Johnson AM1975 to committee AM0289 printed	113
Jan.	10	5	R. Johnson pending FA81 p. 1231, First Session, withdrawn. Committee AM0289 p. 678, First Session, adopted as amended by R. Johnson pending AM1975 p. 113. Advanced for Review	263
Jan.	18	10	Placed on Select File - AM7109	400
Jan.	29	17	AM7109 (E & R) adopted. Advanced for Engrossment	552
Feb.	1	20	Correctly Engrossed	612
Feb.	1	20	ER6236 change	613
Feb.	7	24	Final Reading 39-0-10	691
Feb.	7	24	Speaker signed	695
Feb.	7	24	Presented to Governor (2/7)	707
Feb.	7	24	Abboud explanation of vote	724
Feb.	14	27	Approved by Governor (2/13)	784

LEGISLATIVE BILL 37A. By R. Johnson

Jan.	3	1	Title	3
Jan.	10	5	R. Johnson motion to indefinitely postpone prevailed	264

LEGISLATIVE BILL 39. By R. Johnson

Jan.	3	1	Title	3
Jan.	3	1	R. Johnson AM1989 to committee AM0390 printed	112
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 39A. By R. Johnson

Jan.	30	18	Read first time. Placed on General File	566
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 40. By Schmit, Ashford

Jan.	3	1	Title	4
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 41. By Schmit, Ashford

Jan.	3	1	Title	4
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 42. By Schmit, Ashford

Jan.	3	1	Title	4
Feb.	2	21	Kristensen priority bill	656
Feb.	13	26	Haberman AM2523 and Chambers FA361 to AM2523 pending	769
Feb.	13	26	Haberman pending AM2523 and Chambers pending FA361 p. 769 lost. Chambers FA362 pending	777
Feb.	14	27	Baack AM2534 printed	793
Feb.	15	28	Chambers pending FA362 p. 779 lost	829
Feb.	16	29	Haberman FA365 withdrawn. Baack pending AM2534 p. 793 adopted as amended by Hefner-Chambers FA366. Advanced for Review	844
Feb.	20	30	Placed on Select File - AM7148	860
Feb.	23	33	AM7148 (E & R) adopted. Advanced for Engrossment	976
Feb.	28	36	Correctly Engrossed	1045
Apr.	2	56	Barrett motion to suspend rule and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 36-10-3	1836
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Returned by Governor without approval (4/6)	1988
Apr.	9	60	Kristensen-Schmit-Lindsay-Chizek motion to override veto passed 30-17-2	2039

Apr.	9	60	Communication and Certificate	2062
Apr.	16	AJ	Message from Secretary of State	2095
Apr.	16	AJ	Certificate	2096

LEGISLATIVE BILL 42A. By Schmit

Feb.	23	33	Read first time. Placed on General File	966
Mar.	6	40	Advanced for Review	1172
Mar.	7	41	Placed on Select File	1236
Mar.	22	51	Advanced for Engrossment	1590
Mar.	27	52	Correctly Engrossed	1648
Apr.	2	56	Barrett motion to suspend rule and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 37-8-4	1837
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Returned by Governor without approval (4/6)	1988
Apr.	9	60	Kristensen-Lindsay-Chizek motion to override veto passed 36-10-3	2040
Apr.	9	60	Communication and Certificate	2062
Apr.	16	AJ	Message from Secretary of State	2095
Apr.	16	AJ	Certificate	2096

LEGISLATIVE BILL 50. By Dierks, Wehrbein

Jan.	3	1	Title	4
Jan.	12	7	Dierks FA319 withdrawn. Committee AM0382 p. 1130, First Session, adopted as amended by Lindsay FA320. Dierks AM2102 adopted. Advanced for Review	299
Jan.	18	10	Placed on Select File - AM7103	406
Jan.	29	17	Dierks AM2318 printed	558
Jan.	31	19	AM7103 (E & R) adopted. Dierks pending AM2318 p. 558 adopted. Advanced for Engrossment	596
Feb.	2	21	Correctly Engrossed	630
Feb.	2	21	ER6241 change	631
Feb.	15	28	Final Reading 38-0-11	807
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (correction p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 54. By Weihing

Jan.	3	1	Title	4
Mar.	30	55	Abboud AM3167 printed	1755
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 54A. By Weihing

Jan.	3	1	Title	5
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 55. By Weihing, Coordsen

Jan.	3	1	Title	5
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 59. By Coordsen

Jan.	3	1	Title	5
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 65. By Smith

Jan.	3	1	Title	5
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 72. By Smith

Jan.	3	1	Title	5
Apr.	9	60	Indefinitely postponed (Amended into LB 369 by AM2389)	2068

LEGISLATIVE BILL 76. By Warner

Jan.	3	1	Title	6
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 81. By Korshoj

Jan.	3	1	Title	6
Jan.	30	18	Korshoj AM2332 printed	574
Jan.	31	19	Korshoj priority bill	590
Feb.	1	20	Committee AM0885 p. 1154, First Session, lost. Korshoj pending AM2332 p. 574 adopted.	

			Advanced for Review	616
Feb.	5	22	Placed on Select File - AM7118	658
Feb.	7	24	Withem-Korshoj-Hartnett AM2440 to AM2332 printed	695
Feb.	23	33	AM7118 (E & R) adopted. Withem-Korshoj-Hartnett pending AM2440 p. 695 adopted. Advanced for Engrossment	974
Feb.	26	34	Correctly Engrossed. ER6249 change	985
Mar.	7	41	Final Reading 42-0-7	1201
Mar.	7	41	Speaker signed	1208
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 83. By Elmer, R. Johnson, Weihing

Jan.	3	1	Title	6
Jan.	31	19	Indefinitely postponed	584

LEGISLATIVE BILL 86. By Pirsch

Jan.	3	1	Title	6
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 87. By Pirsch

Jan.	3	1	Title	6
Jan.	12	7	AM7019 (E & R), First Session, adopted. Pirsch pending AM0665 p. 999, First Session, and Pirsch AM1997 adopted. Advanced for Engrossment	318
Jan.	19	11	Correctly Engrossed. ER6231 change	430
Jan.	26	16	Final Reading 39-0-10	518
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 93. By Landis

Jan.	3	1	Title	7
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 96. By Landis

Jan.	3	1	Title	7
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 98. By Landis

Jan.	3	1	Title	7
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 100. By Landis

Jan.	3	1	Title	7
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 101. By Moore, L. Johnson, Lamb

Jan.	3	1	Title	7
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 102. By Moore, Beck, Crosby

Jan.	3	1	Title	8
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 107. By Hefner

Jan.	3	1	Title	8
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 109. By Pirsch

Jan.	3	1	Title	8
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 111. By Pirsch, Byars, Peterson

Jan.	3	1	Title	8
Jan.	29	17	Placed on General File - Com AM1985	553
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 117. By R. Johnson, Scofield, Dierks, Moore, Elmer

Jan.	3	1	Title	8
Jan.	31	19	Indefinitely postponed	584

LEGISLATIVE BILL 118. By R. Johnson

Jan. 3 1 Title 8
Mar. 2 38 Indefinitely postponed 1135

LEGISLATIVE BILL 120. By R. Johnson

Jan. 3 1 Title 9
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 121. By R. Johnson, Ashford, Smith

Jan. 3 1 Title 9
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 129. By Hall

Jan. 3 1 Title 9
Apr. 9 60 Indefinitely postponed 2068
(Amended into LB 240 by AM1318)

LEGISLATIVE BILL 129A. By Hall

Jan. 3 1 Title 9
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 130. By Hall

Jan. 3 1 Title 9
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 131. By Peterson

Jan. 3 1 Title 10
Apr. 9 60 Indefinitely postponed 2068
(Amended into LB 369 by AM2221)

LEGISLATIVE BILL 138. By Chizek

Jan. 3 1 Title 10
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 139. By Chizek

Jan. 3 1 Title 10
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 140. By Chizek, Conway, Ashford

Jan.	3	1	Title	10
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 140A. By Chizek

Jan.	3	1	Title	10
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 141. By Abboud, Beck

Jan.	3	1	Title	10
Jan.	9	4	Committee AM0706 p. 1028, First Session, lost. Pending	237
Jan.	9	4	Moore motion to indefinitely postpone laid over	243
Feb.	12	25	Abboud AM2467 printed	755
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 143. By Baack

Jan.	3	1	Title	11
Jan.	25	15	Baack AM2255 printed	508
Jan.	29	17	Baack AM2303 to AM2255 printed	557
Jan.	30	18	Baack pending AM2255 p. 508 adopted as amended by Baack pending AM2303 p. 557. Advanced for Engrossment	566
Feb.	2	21	Correctly Engrossed	630
Feb.	2	21	ER6239 change	631
Feb.	15	28	Final Reading 38-3-8	808
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (correction p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 151. By Chambers, Baack, Landis, Chizek, Conway, Hartnett, Lynch, Withem

Jan.	3	1	Title	11
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 159. By Conway, Ashford, Lindsay, Chizek, McFarland, Nelson, Chambers, Abboud

Jan.	3	1	Title	11
Jan.	18	10	Kristensen AM2134 printed	398
Jan.	19	11	McFarland pending FA36 p. 740, First Session, withdrawn. Kristensen pending AM2134 p. 398 sustained division of question. Kristensen FA332 pending	427
Jan.	19	11	Kristensen pending FA332 p. 427, FA333, and FA334 adopted. Advanced for Review	435
Jan.	23	13	Placed on Select File - AM7111	470
Feb.	12	25	Kristensen AM2285 (1) and AM2480 (2) printed	755
Feb.	12	25	Kristensen AM2481 (3) printed	756
Feb.	12	25	Kristensen AM2465 (4) printed	757
Feb.	12	25	Kristensen AM2229 (5) printed	758
Feb.	12	25	Pirsch-Smith-Langford-Beck-Byars-Korshoj-Haberman-Rogers-Hefner-Schellpeper AM2372 printed	763
Feb.	13	26	Kristensen AM2491 printed	773
Feb.	13	26	Warner name added to Pirsch et al AM2372 p. 763	782
Feb.	14	27	Elmer and Peterson names added to Pirsch et al AM2372 p. 763	797
Feb.	15	28	Kristensen AM2550 printed	830
Feb.	15	28	Coordsen-Weihing-Goodrich names added to Pirsch et al AM2372 p. 763	836
Feb.	16	29	Beyer name added to Kristensen AM2229 p. 758	852
Mar.	1	37	AM7111 (E & R) adopted. Kristensen pending AM2285 p. 755, AM2480 p. 755, AM2481 p. 756, AM2465 p. 757, AM2229 p. 758, AM2491 p. 773 and AM2550 p. 830 withdrawn. McFarland-Moore motion to suspend rules and permit consideration of AM2778 lost. McFarland motion to suspend rules to require bill to be voted upon without further amendments or motions withdrawn. Moore motion to indefinitely postpone laid over	1083
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 160. By Warner, Langford, Kristensen

Jan.	3	1	Title	12
Jan.	23	13	Indefinitely postponed	472

LEGISLATIVE BILL 161. By R. Johnson, Coordsen, Schellpeper, Scofield, Elmer, Weihing, Baack

Jan.	3	1	Title	12
Jan.	18	10	Committee AM0730 p. 1028, First Session, adopted. Bracketed until 2/23/90	377
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 163. By R. Johnson, Baack, Schellpeper, Scofield, Hall, Wesely, Ashford, Withem

Jan.	3	1	Title	12
Jan.	3	1	R. Johnson AM2018 printed	110
Jan.	10	5	Beck AM2037, AM2108, and AM2038 printed	274
Jan.	12	7	Committee AM0886 p. 1154, First Session, adopted. Moore motion to indefinitely postpone laid over	301
Jan.	12	7	R. Johnson AM2126 printed	304
Jan.	12	7	Morrissey AM2133 printed	325
Jan.	16	8	Moore pending motion p. 301 withdrawn. R. Johnson pending AM2018 p. 110, Beck pending AM2037, and AM2038 p. 274 adopted. Beck pending AM2108 p. 274 lost	339
Jan.	16	8	Hefner AM2141 printed	346
Jan.	16	8	Schimek name added	347
Jan.	17	9	R. Johnson pending AM2126 p. 304, Morrissey pending AM2133 p. 325, and Hefner pending AM2141 p. 346 withdrawn. Morrissey FA327 lost. Advanced for Review	352
Jan.	19	11	Placed on Select File - AM7110	429
Jan.	19	11	Haberman AM2158 printed	433
Jan.	26	16	R. Johnson AM2268 printed	543
Jan.	29	17	Beck AM2266 printed	548
Jan.	29	17	Beck name added	559
Jan.	31	19	AM7110 (E & R) adopted. R. Johnson pending AM2268 p. 543 and Morrissey AM2314 adopted. Pending	597
Jan.	31	19	Hefner AM2356 (1), AM2141 (2), and AM2147 (3) printed	599
Jan.	31	19	Schimek AM2124 printed	600

Feb.	1	20	Bracketed until 2/7/90	617
Feb.	1	20	Moore AM2365 to AM2314 printed	626
Feb.	7	24	Beck AM2446 printed	703
Feb.	7	24	Schimek AM2450 printed	718
Feb.	12	25	Beck pending AM2266 p. 548 and Haberman pending AM2158 p. 433 withdrawn. Hefner pending AM2356 (1) p. 599 adopted. Pending	749
Feb.	12	25	R. Johnson AM2471 printed	750
Feb.	12	25	Schimek AM2485 printed	751
Feb.	13	26	Beck AM2490 printed	777
Feb.	16	29	Hefner pending AM2141 (2) p. 599 pending	851
Mar.	1	37	Hefner pending AM2141 (2) p. 599 and Beck pending AM2490 p. 777 lost. Hefner pending AM2147 (3) p. 599, Schimek pending AM2124 p. 600, Schimek pending AM2450 p. 718, Moore pending AM2365 p. 626 and Beck pending AM2446 p. 703 withdrawn. R. Johnson request to substitute amendment prevailed. R. Johnson pending AM2471 p. 750 withdrawn. R. Johnson substitute AM2755 adopted. Moore AM2772 lost. Schimek pending AM2485 p. 751 withdrawn. Morrissey AM2766 adopted. Moore motion to reconsider Beck AM2490 p. 777 lost. Advanced for Engrossment	1066
Mar.	5	39	Correctly Engrossed	1154
Mar.	5	39	ER6254 change	1155
Mar.	29	54	Final Reading 27-14-8	1691
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1921
Apr.	9	60	R. Johnson motion to override veto passed 31-16-2	2032
Apr.	9	60	Communication and Certificate	2064
Apr.	16	AJ	Message from Secretary of State	2085
Apr.	16	AJ	Certificate	2086

LEGISLATIVE BILL 163A. By R. Johnson

Jan.	10	5	Read first time. Placed on General File	260
Jan.	17	9	R. Johnson AM2131 adopted. Advanced for Review	353
Jan.	19	11	Placed on Select File	429

Feb.	13	26	Schimek AM2408 printed	781
Mar.	1	37	Schimek pending AM2408 p. 781 withdrawn. Advanced for Engrossment	1074
Mar.	5	39	Correctly Engrossed	1154
Mar.	29	54	Final Reading 32-11-6	1692
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1921
Apr.	9	60	R. Johnson motion to override veto passed 31-13-5	2033
Apr.	9	60	Communication and Certificate	2064
Apr.	16	AJ	Message from Secretary of State	2085
Apr.	16	AJ	Certificate	2086

LEGISLATIVE BILL 164. By Ashford, Landis, Conway, Chizek, Lindsay

Jan.	3	1	Title	13
Feb.	2	21	Ashford AM2160 printed	650
Feb.	5	22	Committee AM0933 p. 1288, First Session, adopted as amended by Ashford AM2405. Ashford pending AM2160 p. 650 withdrawn. Advanced for Review	662
Feb.	5	22	Abboud name added	665
Feb.	6	23	Beck name added	684
Feb.	7	24	Placed on Select File - AM7123	716
Feb.	23	33	Ashford AM2645 printed	966
Mar.	5	39	AM7123 (E & R) adopted. Ashford pending AM2645 p. 966 adopted. Advanced for Engrossment	1147
Mar.	8	42	Correctly Engrossed. ER6258 change	1289
Mar.	29	54	Final Reading 39-2-8	1692
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1917
Apr.	9	60	Ashford motion to override veto passed 33-9-7	2036
Apr.	9	60	Communication and Certificate	2063
Apr.	16	AJ	Message from Secretary of State. Certificate	2097

LEGISLATIVE BILL 164A. By Ashford

Feb.	16	29	Read first time. Placed on General File	850
Feb.	23	33	Advanced for Review	967

Feb.	26	34	Placed on Select File	980
Mar.	5	39	Ashford AM2810 adopted. Advanced for Engrossment	1147
Mar.	8	42	Correctly Engrossed	1289
Mar.	29	54	Final Reading 40-2-7	1693
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1917
Apr.	9	60	Ashford motion to override veto passed 35-4-10	2037
Apr.	9	60	Communication and Certificate	2063
Apr.	16	AJ	Message from Secretary of State. Certificate	2097

LEGISLATIVE BILL 180. By McFarland

Jan.	3	1	Title	13
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 187. By Lynch, Lindsay, Labedz

Jan.	3	1	Title	13
Jan.	9	4	Lynch AM2000 printed	249
Jan.	31	19	Lynch AM2308 printed	604
Feb.	2	21	Returned to Select File for Lynch amendment. Lynch pending AM2000 p. 249 adopted. Advanced for Re-Engrossment	643
Feb.	2	21	Lynch pending AM2308 p. 604 withdrawn	644
Feb.	2	21	Moore motion to return to Select File For FA354 printed	646
Feb.	6	23	Correctly Re-Engrossed. ER6243 change	676
Mar.	29	54	Moore pending motion p. 646 to return to Select File for FA354 pending	1694
Mar.	29	54	Moore pending motion p. 646 withdrawn. Final Reading 33-13-3	1695
Mar.	29	54	Speaker signed	1703
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1924
Apr.	9	60	Lynch motion to override veto failed 25-23-1	2041
Apr.	9	60	Wesely motion to reconsider vote on p. 2041 withdrawn	2051

LEGISLATIVE BILL 187A. By Lynch

Jan.	3	1	Title	13

Jan.	9	4	Lynch AM2001 printed	244
Jan.	31	19	Lynch AM2358 printed	604
Feb.	2	21	Returned to Select File for Lynch amendment. Lynch pending AM2358 p. 604 adopted. Advanced for Re-Engrossment. Lynch pending AM2001 p. 244 withdrawn	644
Feb.	6	23	Correctly Re-Engrossed	676
Mar.	29	54	Final Reading 37-4-8	1696
Mar.	29	54	Speaker signed	1703
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1924

LEGISLATIVE BILL 191. By Withem

Jan.	3	1	Title	14
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 201. By Chizek

Jan.	3	1	Title	14
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 202. By Chizek

Jan.	3	1	Title	14
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 203. By Chizek

Jan.	3	1	Title	14
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 204. By Chizek

Jan.	3	1	Title	14
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 205. By Chizek

Jan.	3	1	Title	14
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 210. By Lynch, Chizek

Jan.	3	1	Title	15

Jan.	29	17	Placed on General File	553
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 212. By Beyer

Jan.	3	1	Title	15
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 218. By Pirsch, Bernard-Stevens

Jan.	3	1	Title	15
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 219. By Pirsch

Jan.	3	1	Title	15
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 220. By Pirsch

Jan.	3	1	Title	16
Jan.	12	7	Pirsch AM1987 adopted. Chambers pending FA128 and FA129 p. 1421, First Session, withdrawn. Advanced for Engrossment	322
Jan.	19	11	Correctly Engrossed. ER6225 change	430
Mar.	19	48	Hannibal AM3050 printed	1448
Mar.	29	54	Returned to Select File for Hannibal amendment. Hannibal pending AM3050 p. 1448 adopted. Advanced for Re-Engrossment	1697
Mar.	29	54	Correctly Re-Engrossed. ER6291 change	1739
Apr.	5	59	Final Reading 36-0-13	1973
Apr.	5	59	Speaker signed	1982
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 220A. By Pirsch

Feb.	23	33	Read first time. Placed on General File	966
Mar.	6	40	Advanced for Review	1172
Mar.	7	41	Placed on Select File	1236
Mar.	19	48	Advanced for Engrossment	1444
Mar.	21	50	Correctly Engrossed	1548
Apr.	5	59	Final Reading 36-0-13	1974
Apr.	5	59	Speaker signed	1982
Apr.	9	60	Presented to Governor (4/5)	1984

Apr. 9 60 Approved by Governor (4/7) 1985

LEGISLATIVE BILL 222. By Landis

Jan. 3 1 Title 16
Apr. 9 60 Indefinitely postponed 2068
(Amended into LB 1136 by AM2585)

LEGISLATIVE BILL 224. By McFarland, Chizek, Hefner

Jan. 3 1 Title 16
Jan. 12 7 McFarland pending AM1005 p. 1271 and AM1027 p. 1302, First Session, adopted. McFarland pending AM1074 p. 1360, Chambers FA112, FA113, FA114, FA115, FA116, FA117, FA118, FA119, FA120, FA121, FA122, and FA123 p. 1359-1360, First Session, withdrawn. Chambers motion to indefinitely postpone laid over 317
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 224A. By McFarland

Jan. 3 1 Title 16
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 226. By McFarland

Jan. 3 1 Title 16
Feb. 16 29 McFarland priority bill 850
Mar. 6 40 Committee AM0628 p. 950, First Session adopted. Failed to advance for Review 1195
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 226A. By McFarland

Jan. 3 1 Title 16
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 227. By McFarland

Jan. 3 1 Title 17
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 227A. By McFarland

Jan.	3	1	Title	17
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 232. By Chizek

Jan.	3	1	Title	17
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 234. By Wehrbein

Jan.	3	1	Title	17
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 239. By Hall, Chizek

Jan.	3	1	Title	17
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 240. By Hall

Jan.	3	1	Title	17
Jan.	16	8	Hall motion to suspend rules and permit consideration of AM1318 prevailed	337
Jan.	16	8	Hall pending AM1318 p. 1751, First Session, adopted. Hall FA326 to AM1318 adopted. Advanced for Engrossment	338
Jan.	19	11	Correctly Engrossed	430
Jan.	19	11	ER6230 change	431
Jan.	22	12	Baack AM2173 printed	453
Jan.	26	16	Baack AM2276 printed	537
Feb.	2	21	Returned to Select File for Baack amendment. Baack pending AM2276 p. 537 adopted. Advanced for Re-Engrossment	644
Feb.	2	21	Baack pending AM2173 p. 453 withdrawn. Returned to Select File for Hall amendment. Hall AM2380 adopted. Advanced for Re-Engrossment. Returned to Select File for Hall amendment. Hall FA353 adopted. Advanced for Re-Engrossment	645
Feb.	6	23	Correctly Re-Engrossed	676
Feb.	15	28	Final Reading w/E 40-0-9	809
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833

Feb.	21	31	Approved by Governor (2/20) (correction p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 240A. By Hall

Jan.	16	8	Read first time. Placed on General File	343
Jan.	23	13	Advanced for Review	466
Jan.	24	14	Placed on Select File	482
Jan.	29	17	Advanced for Engrossment	553
Feb.	1	20	Correctly Engrossed	612
Feb.	7	24	Hall AM2386 printed	707
Feb.	15	28	Hall pending AM2386 p. 707 withdrawn. Final Reading 40-0-9	810
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (correction p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 242. By R. Johnson

Jan.	3	1	Title	18
Jan.	17	9	Placed on General File - Com AM2009	353
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 243. By Labedz, Hall, Lindsay

Jan.	3	1	Title	18
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 244. By Withem

Jan.	3	1	Title	18
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 248. By Withem, Landis, Hefner, Beyer, L. Johnson

Jan.	3	1	Title	18
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 249. By Abboud, Hefner, Peterson, Beck

Jan.	3	1	Title	18
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 252. By Chizek

Jan.	3	1	Title	18
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 257. By Baack

Jan.	3	1	Title	19
Jan.	17	9	AM5019 (E & R) p. 449, First Session, adopted. Pirsch pending AM0585 p. 886 and Withem pending AM0804 p. 1088, First Session, withdrawn. Baack pending AM1305 p. 1598, First Session, adopted. Scofield pending AM1863 p. 2426, First Session, ruled germane. Challenge of Chair prevailed. Chair overruled. Advanced for Engrossment	362
Jan.	19	11	Correctly Engrossed	430
Jan.	19	11	ER6232 change	431
Jan.	26	16	Final Reading 41-0-8	519
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 259. By Withem

Jan.	3	1	Title	19
Jan.	4	2	Withem AM2060 to committee AM0800 printed	159
Jan.	4	2	Withem AM2058 printed	162
Jan.	9	4	Withem pending AM1251 p. 1556, First Session, and Schmit AM2091 to committee AM0800, First Session, adopted. Lamb AM2066 lost. Pending	222
Jan.	9	4	Committee AM0800 p. 1111, First Session, adopted as amended. Withem pending AM2060 p. 159 and AM2058 p. 162 adopted. Advanced for Review	230
Jan.	9	4	Kristensen explanation of vote	234
Jan.	16	8	Placed on Select File - AM7093 (printed separate)	345
Jan.	17	9	Haberman AM2156 printed	365
Jan.	18	10	AM7093 (E & R) adopted. Haberman pending AM2156 p. 365, Dierks AM2157, Withem AM2140, and Schellpeper FA329 adopted.	

			Coordsen FA328, Lamb AM2121 and Rogers FA330 lost. Baack-Withem AM2166 adopted as amended by Lamb FA331. Advanced for Engrossment	390
Jan.	23	13	Correctly Engrossed	470
Jan.	23	13	ER6234 change	471
Feb.	28	36	Attorney General's Opinion #90016 to Haberman	1054
Mar.	29	54	Final Reading 33-13-3	1697
Mar.	29	54	Speaker signed	1703
Mar.	29	54	Presented to Governor (3/29)	1714
Mar.	30	55	Lamb explanation of vote	1751
Apr.	4	58	Approved by Governor (4/4)	1904

LEGISLATIVE BILL 259A. By Withem

Jan.	3	1	Title	19
Jan.	4	2	Withem AM2065 printed	164
Jan.	9	4	Withem pending AM2065 p. 164 adopted. Advanced for Review	231
Jan.	16	8	Placed on Select File - AM7094	345
Jan.	18	10	AM7094 (E & R) adopted. Advanced for Engrossment	397
Jan.	23	13	Correctly Engrossed	470
Feb.	15	28	Withem AM2419 printed	832
Mar.	7	41	Returned to Select File for Withem amendment. Withem pending AM2419 p. 832 adopted. Advanced for Re-Engrossment	1200
Mar.	8	42	Correctly Re-Engrossed	1289
Mar.	29	54	Final Reading 37-7-5	1698
Mar.	29	54	Speaker signed	1703
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1904

LEGISLATIVE BILL 260. By Conway, Baack, Schmit

Jan.	3	1	Title	20
Jan.	23	13	Conway AM2218 printed	474
Feb.	16	29	Conway priority bill	850
Feb.	26	34	Committee AM0323 p. 724, First Session, adopted. Chambers FA376 to AM2218 withdrawn. Conway pending AM2218 p. 474 lost. Advanced for Review	981
Feb.	28	36	Placed on Select File - AM7172	1032
Mar.	5	39	AM7172 (E & R) adopted. Advanced for Engrossment	1161

Mar.	5	39	Abboud name added	1168
Mar.	8	42	Correctly Engrossed	1289
Mar.	29	54	Chambers motion to return to Select File for FA433 lost	1699
Mar.	29	54	Final Reading 36-8-5	1700
Mar.	29	54	Speaker signed	1703
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 260A. By Conway

Jan.	3	1	Title	20
Feb.	26	34	Advanced for Review	982
Feb.	28	36	Placed on Select File - AM7173	1033
Mar.	5	39	AM7173 (E & R) adopted. Advanced for Engrossment	1161
Mar.	8	42	Correctly Engrossed	1289
Mar.	29	54	Final Reading 39-6-4	1701
Mar.	29	54	Speaker signed	1703
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 266. By Conway, Byars

Jan.	3	1	Title	20
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 268. By Baack, Schellpeper, Schmit, Coordsen, Smith, Morrissey, Scofield, Conway, Lamb, Hefner, R. Johnson, Moore, Bernard-Stevens, Elmer, Nelson, Haberman

Jan.	3	1	Title	20
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 269. By Wehrbein

Jan.	3	1	Title	20
Jan.	23	13	Wehrbein priority bill	466
Jan.	30	18	Placed on General File - Com AM2170	562
Feb.	6	23	Committee AM2170 adopted. Hefner FA357 ruled germane and lost. Failed to advance for Review	670
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 270. By Schmit, Beyer

Jan.	3	1	Title	21
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 272A. By Landis

Jan.	3	1	Title	21
Jan.	12	7	Landis motion to suspend rules and read on Final Reading laid over	303
Jan.	17	9	Landis pending motion p. 303 lost	364
Jan.	19	11	Attorney General's Opinion #90002 to Landis	421
Mar.	29	54	Haberman motion to return to Select File for FA434 and Landis motion to return to Select File for FA435 withdrawn	1701
Mar.	29	54	Failed on Final Reading w/E 22-16-11. Final Reading 29-19-1	1702
Mar.	29	54	Correctly Enrolled. Speaker signed	1711
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	2	56	Approved by Governor (4/2)	1805
Apr.	5	59	Legislative intent given by LR 425	1963

LEGISLATIVE BILL 275. By Withem, Bernard-Stevens, Smith, Korshoj, Nelson, Chizek, Lamb, Hartnett, Robak

Jan.	3	1	Title	21
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 276. By Byars

Jan.	3	1	Title	21
Apr.	9	60	Indefinitely postponed (Amended into LB 1153 by AM3212)	2068

LEGISLATIVE BILL 281. By Transportation Committee

Jan.	3	1	Title	21
Apr.	3	57	Abboud AM3343 printed	1861
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 282. By Transportation Committee

Jan.	3	1	Title	22
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 287. By Haberman

Jan.	3	1	Title	22
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 290. By Smith

Jan.	3	1	Title	22
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed (Amended into LB 1222 by AM2741)	2068

LEGISLATIVE BILL 290A. By Smith

Jan.	3	1	Title	22
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 299. By Conway

Jan.	3	1	Title	22
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 304. By Speaker Barrett at request of Governor

Jan.	3	1	Title	23
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 307. By Speaker Barrett at request of Governor

Jan.	3	1	Title	23
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 313. By McFarland

Jan.	3	1	Title	23
Jan.	19	11	Business and Labor Committee priority bill	429
Feb.	7	24	Placed on General File - Com AM2428	688
Feb.	14	27	McFarland AM2538 lost. Hall FA363 to committee AM2428 pending	786
Feb.	14	27	Hall pending FA363 p. 788 lost. McFarland motion to reconsider Hall FA363 p. 788 pending	791
Feb.	15	28	McFarland pending motion p. 792 withdrawn. McFarland AM2557 lost. Committee AM2428 adopted. Pending	822
Feb.	15	28	Advanced for Review	829

Feb.	16	29	Placed on Select File - AM7146	839
Feb.	22	32	Coordsen AM2646 printed	908
Feb.	23	33	Hall AM2653 printed	968
Mar.	5	39	AM7146 (E & R) adopted. Coordsen pending AM2646 p. 908 adopted. Hall motion to suspend rules to permit consideration of AM2653 lost. McFarland AM2813 lost. Advanced for Engrossment	1156
Mar.	8	42	Correctly Engrossed	1289
Mar.	8	42	ER6261 change	1290
Mar.	29	54	Final Reading 46-1-2	1704
Mar.	29	54	Speaker signed	1711
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 313A. By McFarland

Feb.	14	27	Read first time. Placed on General File	789
Feb.	23	33	Coordsen AM2655 adopted. Advanced for Review	967
Feb.	26	34	Placed on Select File	980
Mar.	5	39	Advanced for Engrossment	1158
Mar.	8	42	Correctly Engrossed	1289
Mar.	29	54	Final Reading 44-0-5	1705
Mar.	29	54	Speaker signed	1711
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 315. By Lindsay, Hall, Schimek, Labedz

Jan.	3	1	Title	23
Jan.	19	11	Business and Labor Committee priority bill	429
Feb.	22	32	Hefner-Coordsen AM2508 to committee AM0797 printed separate	931
Feb.	26	34	Lindsay-Morrissey AM2674 to committee AM0797 printed	985
Feb.	27	35	Lindsay request to substitute amendment prevailed. Lindsay-Morrissey pending AM2674 withdrawn	1021
Feb.	27	35	Lindsay substitute FA381 withdrawn. Committee AM0797 p. 1067, First Session, adopted as amended by Coordsen AM2709. Hefner-Coordsen pending AM2508 p. 931 to committee AM0797 ruled not germane. Hefner-Coordsen renewed pending	

			AM2508 p. 931 to bill ruled germane. Challenge of Chair by Hall lost. Coordsen AM2729 to AM2508 adopted	1022
Feb.	28	36	Hall AM2730 (printed separate) to AM2508 adopted. Chambers FA382 to AM2508 lost. Chambers FA383 to AM2508 pending	1043
Feb.	28	36	Hefner-Coordsen pending AM2508 adopted as amended by Chambers pending FA383 p. 1045 and Bernard-Stevens AM2743. Wesely FA384 withdrawn. Wehrbein AM2740 lost. Chambers FA385 to AM2740 withdrawn. Advanced for Review	1051
Feb.	28	36	Wesely AM2748 to AM2508 printed	1059
Mar.	5	39	Placed on Select File - AM7179 (printed separate)	1144
Mar.	7	41	Wesely AM2865 to AM7179 printed	1222
Mar.	14	45	Coordsen AM2996 to AM7179 printed	1350
Mar.	19	48	AM7179 (E & R) adopted. Wesely pending AM2748 p. 1059 withdrawn. Wesely pending AM2865 p. 1222 lost. Pending	1436
Mar.	19	48	Coordsen pending AM2996 p. 1350 adopted as amended by Ashford FA411. Hall FA412, Wehrbein AM2888 and Bernard-Stevens FA413 lost	1441
Mar.	21	50	Ashford AM3094 to AM2996 printed	1530
Mar.	22	51	Coordsen motion to bracket until 4/9/90 withdrawn. Lynch FA418 adopted. Ashford pending AM3094 p. 1530 withdrawn. Advanced for Engrossment	1587
Mar.	27	52	Correctly Engrossed. ER6285 change	1597
Apr.	5	59	Final Reading 48-0-1	1953
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 317. By Schmit

Jan.	3	1	Title	24
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 328. By Wehrbein

Jan.	3	1	Title	24
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 329. By Landis, Ashford

Jan.	3	1	Title	24
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 329A. By Landis

Jan.	3	1	Title	24
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 331. By Kristensen

Jan.	3	1	Title	24
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 332. By Kristensen

Jan.	3	1	Title	25
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 333. By Ashford, Wehrbein

Jan.	3	1	Title	25
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 337. By Education Committee

Jan.	3	1	Title	25
Jan.	23	13	Indefinitely postponed	472

LEGISLATIVE BILL 338. By Health and Human Services Committee

Jan.	3	1	Title	25
Mar.	22	51	Health and Human Services Committee AM2921 printed	1591
Mar.	29	54	Health and Human Services Committee AM3206 printed	1714
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 338A. By Wesely

Jan.	3	1	Title	25
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 339. By Schmit

Jan.	3	1	Title	26
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 343. By Health and Human Services Committee

Jan.	3	1	Title	26
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 343A. By Wesely

Jan.	3	1	Title	26
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 346. By Hall, Labedz, Rogers, Dierks, Lynch, Schmit, Lindsay, Beck, Langford, Crosby

Jan.	3	1	Title	26
Jan.	3	1	Hall AM2025 printed	128
Jan.	11	6	Hall priority bill	276
Feb.	12	25	Hall pending AM2025 p. 128 adopted. Conway AM2322 lost. Failed to advance for Review	741
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 346A. By Hall

Jan.	3	1	Title	26
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 347. By Rogers, Peterson, Lamb, Dierks

Jan.	3	1	Title	27
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 348. By Langford

Jan.	3	1	Title	27
Jan.	29	17	Langford priority bill	547
Feb.	6	23	Committee AM0747 p. 1444, First Session, adopted. Advanced for Review	674
Feb.	7	24	Placed on Select File	716
Feb.	23	33	Wesely AM2661 to AM0747 printed	976
Feb.	28	36	Langford-Wesely AM2734 to AM0747 printed	1046

Mar.	5	39	Wesely pending AM2661 p. 976 withdrawn. Langford-Wesely pending AM2734 p. 1046 adopted. Advanced for Engrossment	1148
Mar.	8	42	Correctly Engrossed	1289
Mar.	19	48	Final Reading 37-0-12	1410
Mar.	19	48	President signed	1428
Mar.	19	48	Presented to Governor (3/19)	1435
Mar.	21	50	Approved by Governor (3/21)	1549

LEGISLATIVE BILL 350. By Goodrich

Jan.	3	1	Title	27
Jan.	4	2	Goodrich AM2008 printed	168
Feb.	1	20	Committee AM0290 p. 681, First Session adopted. Goodrich pending AM2008 p. 168 adopted. Advanced for Review	618
Feb.	5	22	Placed on Select File - AM7120	660
Feb.	7	24	AM7120 (E & R) adopted. Advanced for Engrossment	702
Feb.	12	25	Correctly Engrossed	726
Feb.	15	28	Final Reading 41-0-8	812
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (correction p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 350A. By Goodrich

Jan.	3	1	Title	27
Feb.	1	20	Advanced for Review	618
Feb.	5	22	Placed on Select File - AM7121	660
Feb.	7	24	AM7121 (E & R) adopted. Advanced for Engrossment	702
Feb.	12	25	Correctly Engrossed	726
Feb.	15	28	Final Reading 42-0-7	813
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (correction p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 356. By Landis, McFarland, Crosby, Hall, Labedz, Wesely, R. Johnson, Lynch, Schimek, Chambers, Ashford, Schmit, Warner, Morrissey

Jan.	3	1	Title	28

Apr.	9	60	Indefinitely postponed (Amended into LB 272A by AM1935 in 1989)	2068

LEGISLATIVE BILL 359. By Wesely

Jan.	3	1	Title	28
Jan.	26	16	Warner pending motion p. 1401, First Session, prevailed. Indefinitely postponed	542

LEGISLATIVE BILL 363. By Wesely

Jan.	3	1	Title	28
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 364. By Natural Resources Committee

Jan.	3	1	Title	28
Apr.	4	60	Indefinitely postponed	2068

LEGISLATIVE BILL 367. By Lynch

Jan.	3	1	Title	29
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 369. By Lamb

Jan.	3	1	Title	29
Jan.	24	14	Lamb AM2221 printed separate	492
Jan.	25	15	Lamb AM2257 to AM2221 printed	500
Jan.	25	15	Scofield AM2220 printed	506
Feb.	1	20	Committee AM0272 p. 651, First Session, adopted. Lamb pending AM2221 p. 492 adopted as amended by Lamb pending AM2257 p. 500. Scofield pending AM2220 p. 506 withdrawn. Advanced for Review	617
Feb.	2	21	Elmer AM2376 printed	632
Feb.	5	22	Placed on Select File - AM7122	659
Feb.	7	24	Lamb AM2447 printed	708
Feb.	7	24	Beyer AM2452 printed separate	717
Feb.	12	25	Warner AM2464 to AM2221 and Beyer AM2477 to AM2452 printed	746
Mar.	1	37	AM7122 (E & R) adopted. Elmer pending AM2376 p. 632 adopted. Smith AM2389 to AM2221 ruled not germane. McFarland	

			motion to suspend rules to consider AM2389 prevailed. Smith AM2389 adopted. Beyer pending AM2477 p. 746 to AM2452 adopted. Lamb pending AM2447 p. 708, Warner FA386 and pending AM2464 p. 746 withdrawn. Warner request for division of question on Beyer AM2452 sustained. Beyer FA387 to AM2221 adopted. Beyer FA388 lost. Conway AM2470 to AM2221 adopted. Advanced for Engrossment	1086
Mar.	8	42	Correctly Engrossed. ER6256 change	1281
Apr.	5	59	Final Reading w/E 44-0-5	1947
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 369A. By Beyer

Mar.	1	37	Read first time. Placed on General File	1118
Mar.	6	40	Conway AM2846 adopted. Advanced for Review	1173
Mar.	7	41	Placed on Select File	1236
Mar.	19	48	Advanced for Engrossment	1444
Mar.	21	50	Correctly Engrossed	1548
Apr.	5	59	Final Reading w/E 43-0-6	1948
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 373. By Withem

Jan.	3	1	Title	29
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 374. By Goodrich, Lynch, Peterson

Jan.	3	1	Title	29
Feb.	7	24	Indefinitely postponed	705

LEGISLATIVE BILL 376. By Kristensen

Jan.	3	1	Title	29
Jan.	31	19	Indefinitely postponed	594

LEGISLATIVE BILL 380. By Wesely

Jan.	3	1	Title	29
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 383. By Natural Resources Committee

Jan.	3	1	Title	30
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 384. By Natural Resources Committee

Jan.	3	1	Title	30
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 385. By Natural Resources Committee

Jan.	3	1	Title	31
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 393. By Baack, Ashford

Jan.	3	1	Title	31
Jan.	23	13	Indefinitely postponed	472

LEGISLATIVE BILL 394. By Schimek, Weihing, Lindsay, Schellpeper

Jan.	3	1	Title	31
Jan.	18	10	Indefinitely postponed	372

LEGISLATIVE BILL 397. By Chambers, Dierks

Jan.	3	1	Title	31
Jan.	16	8	Chambers pending FA150 p. 1602, First Session, adopted. Chambers pending FA142 p. 1522 and Schmit pending AM1390 p. 1721, First Session, withdrawn. Advanced for Engrossment	339
Jan.	16	8	Lindsay name added	347
Jan.	19	11	Correctly Engrossed	430
Jan.	19	11	ER6229 change	432
Jan.	26	16	Labedz motion to suspend rules to permit motion to return to Select File for AM2271 withdrawn	520
Jan.	26	16	Schmit motion to return to Select File	

for AM2235 withdrawn.
Final Reading 29-7-13 523
Jan. 26 16 President signed 531
Jan. 26 16 Presented to Governor (1/26) 536
Feb. 1 20 Approved by Governor (2/1) 625

LEGISLATIVE BILL 399. By Pirsch

Jan. 3 1 Title 31
Jan. 12 7 AM7015 (E & R), First Session, adopted.
Chambers pending FA126 and FA127
p. 1421, First Session, withdrawn.
Advanced for Engrossment 325
Jan. 16 8 Correction 328
Jan. 19 11 Correctly Engrossed 430
Feb. 2 21 Final Reading 41-0-8 637
Feb. 2 21 Speaker signed 643
Feb. 2 21 Presented to Governor (2/2) 646
Feb. 12 25 Approved by Governor (2/7) 739

LEGISLATIVE BILL 407. By Bernard-Stevens

Jan. 3 1 Title 32
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 409. By Barrett, Hefner

Jan. 3 1 Title 32
Jan. 8 3 Barrett AM2079 printed separate 199
Jan. 12 7 Barrett pending AM2079 p. 199
adopted. Advanced for Review 310
Jan. 18 10 Placed on Select File 407
Jan. 29 17 Advanced for Engrossment 553
Feb. 1 20 Correctly Engrossed 612
Feb. 7 24 Final Reading 39-0-10 692
Feb. 7 24 Speaker signed 695
Feb. 7 24 Presented to Governor (2/7) 707
Feb. 7 24 Abboud explanation of vote 724
Feb. 14 27 Approved by Governor (2/13) 784

LEGISLATIVE BILL 415. By Coordsen, Hefner

Jan. 3 1 Title 32
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 420. By Bernard-Stevens

Jan.	3	1	Title	32
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 422. By Abboud, Byars, Ashford, Goodrich, Dierks, Crosby, Beck, Lynch, Schellpeper

Jan.	3	1	Title	33
Jan.	12	7	Withem motion to bracket until 1/16/90 withdrawn. Wesely-Abboud AM0624 adopted. Advanced for Review	304
Jan.	16	8	Correction	328
Jan.	18	10	Placed on Select File - AM7105	407
Jan.	29	17	AM7105 (E & R) adopted. Advanced for Engrossment	553
Feb.	1	20	Correctly Engrossed	612
Feb.	7	24	Final Reading 39-0-10	693
Feb.	7	24	Speaker signed	695
Feb.	7	24	Presented to Governor (2/7)	707
Feb.	7	24	Abboud explanation of vote	724
Feb.	14	27	Approved by Governor (2/13)	784

LEGISLATIVE BILL 424. By Landis

Jan.	3	1	Title	33
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 426. By Baack

Jan.	3	1	Title	33
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 428. By Bernard-Stevens, Schimek, Wesely

Jan.	3	1	Title	33
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 430. By Wesely

Jan.	3	1	Title	33
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 431. By Wesely

Jan.	3	1	Title	34
Mar.	30	55	Haberman name added	1761
Apr.	2	56	Wesely-McFarland-Hall-Korshoj AM3284 printed separate	1807
Apr.	4	58	Wesely et al pending AM3284 p. 1807 adopted as amended by Wesely-Hall AM3349 and Wesely AM3352. Bernard-Stevens FA453 lost. Bernard-Stevens motion to indefinitely postpone lost. Bernard-Stevens motion to bracket until 4/9/90 withdrawn. Warner FA454 adopted. Advanced for Engrossment	1872
Apr.	4	58	Correctly Engrossed. ER6301 change	1887
Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	Final Reading 39-0-10	1999
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Governor (4/9)	2031
Apr.	16	AJ	Approved by Governor (4/12)	2070
Apr.	16	AJ	Message from Secretary of State	2105
Apr.	16	AJ	Certificate	2106

LEGISLATIVE BILL 431A. By Wesely

Jan.	3	1	Title	34
Apr.	3	57	Wesely AM3326 printed	1823
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 435. By Conway, Baack, R. Johnson, Moore, Bernard-Stevens

Jan.	3	1	Title	34
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 437. By McFarland

Jan.	3	1	Title	34
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 437A. By McFarland

Jan.	3	1	Title	34
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 445. By Ashford

Jan. 3 1 Title 34
Feb. 27 35 Placed on General File 999
Feb. 28 36 Corrected Committee report.
Remains in Judiciary Committee 1045
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 446. By Ashford

Jan. 3 1 Title 35
Feb. 28 36 Placed on General File 1045
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 447. By Nelson, Beck, Crosby, Schellpeper, R. Johnson

Jan. 3 1 Title 35
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 447A. By Nelson

Jan. 3 1 Title 35
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 450. By Ashford

Jan. 3 1 Title 35
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 451. By Ashford, Hannibal

Jan. 3 1 Title 35
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 452. By Ashford

Jan. 3 1 Title 35
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 454. By Ashford

Jan. 3 1 Title 36
Feb. 12 25 Indefinitely postponed 747

LEGISLATIVE BILL 455. By Ashford

Jan. 3 1 Title 36
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 456. By Ashford

Jan. 3 1 Title 36
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 457. By Schmit

Jan. 3 1 Title 36
Feb. 16 29 Labedz priority bill 850
Mar. 15 46 Conway FA407 printed 1390
Mar. 16 47 Conway pending FA407 p. 1390 withdrawn. Moore motion to indefinitely postpone laid over 1399
Mar. 28 53 Moore pending motion p. 1399 withdrawn. Conway reoffered FA407 p. 1390 adopted. Warner FA425 adopted. Failed to advance for Review 1656
Mar. 28 53 Conway motion to reconsider FA425 laid over .. 1664
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 461. By Moore

Jan. 3 1 Title 36
Feb. 12 25 Indefinitely postponed 747

LEGISLATIVE BILL 462. By Lamb

Jan. 3 1 Title 36
Apr. 9 60 Indefinitely postponed 2068
(Amended into LB 678 by FA341)

LEGISLATIVE BILL 464. By Chambers

Jan. 3 1 Title 37
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 465. By Chambers

Jan. 3 1 Title 37
Jan. 12 7 Smith pending AM0993 p. 1387, First Session, withdrawn. Chambers FA324

			adopted. Advanced for Review	314
Jan.	18	10	Placed on Select File - AM7108	408
Jan.	29	17	AM7108 (E & R) adopted. Advanced for Engrossment	553
Jan.	29	17	Chambers AM2323 printed	557
Feb.	1	20	Correctly Engrossed	612
Feb.	2	21	Returned to Select File for Chambers amendment. Chambers pending AM2323 p. 557 adopted. Advanced for Re-Engrossment	646
Feb.	6	23	Correctly Re-Engrossed	676
Feb.	15	28	Final Reading 41-0-8	811
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (correction p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 466. By Hartnett

Jan.	3	1	Title	37
Apr.	9	60	Indefinitely postponed Amended into LB 1153 by AM2483)	2068

LEGISLATIVE BILL 468. By Appropriations Committee

Jan.	3	1	Title	37
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 470. By Appropriations Committee

Jan.	3	1	Title	37
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 471. By Goodrich

Jan.	3	1	Title	38
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 472. By Peterson, Schellpeper, Beyer, Moore, Coordsen, Robak

Jan.	3	1	Title	38
Jan.	31	19	Placed on General File - Com AM2144	592
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 473. By Chizek, Hartnett, Goodrich, Beyer,

Ashford, Korshoj

Jan.	3	1	Title	38
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 475. By Hall

Jan.	3	1	Title	38
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 479. By Landis, Ashford

Jan.	3	1	Title	38
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 483. By Abboud, Beck, Kristensen

Jan.	3	1	Title	38
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 485. By R. Johnson

Jan.	3	1	Title	39
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 486. By Education Committee

Jan.	3	1	Title	39
Jan.	16	8	AM7031 (E & R), First Session, adopted. Withem pending AM0974 p. 1507, First Session, adopted. Advanced for Engrossment	338
Jan.	19	11	Correctly Engrossed	430
Jan.	19	11	ER6227 change	432
Jan.	26	16	Final Reading 46-0-3	524
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 488. By Education Committee

Jan.	3	1	Title	39
Jan.	16	8	AM7033 (E & R), First Session, adopted. Withem pending AM0975 p. 1506, First Session, adopted. Advanced for	

			Engrossment	339
Jan.	19	11	Correctly Engrossed	430
Jan.	19	11	ER6233 change	433
Mar.	29	54	Final Reading 44-0-5	1706
Mar.	29	54	Speaker signed	1711
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 488A. By Withem

Jan.	3	1	Title	40
Jan.	16	8	Advanced for Engrossment	339
Jan.	19	11	Correctly Engrossed	430
Jan.	19	11	ER6228 change	433
Mar.	29	54	Final Reading 45-0-4	1706
Mar.	29	54	Speaker signed	1711
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 490. By Moore, Korshoj

Jan.	3	1	Title	40
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 491. By Moore

Jan.	3	1	Title	40
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 492. By Korshoj

Jan.	3	1	Title	40
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 81 by AM2440)	

LEGISLATIVE BILL 495. By Coordsen

Jan.	3	1	Title	40
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 501. By Elmer

Jan.	3	1	Title	40
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 369 by AM2376)	

LEGISLATIVE BILL 503. By Goodrich

Jan.	3	1	Title	41
Jan.	8	3	Lynch name added	212
Jan.	12	7	Committee AM0914 p. 1194, First Session, adopted. Chambers FA321 sustained division of question. Chambers FA322 lost. Chambers FA323 withdrawn. Advanced for Review	313
Jan.	18	10	Placed on Select File - AM7106	407
Jan.	31	19	AM7106 (E & R) adopted. Advanced for Engrossment	596
Feb.	2	21	Correctly Engrossed	630
Mar.	29	54	Final Reading 34-12-3	1707
Mar.	29	54	Speaker signed	1711
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1922
Apr.	9	60	Kristensen-Baack-Chambers-Bernard-Stevens-Goodrich motion to override veto passed 35-8-6	2035
Apr.	9	60	Communication and Certificate	2063
Apr.	16	AJ	Message from Secretary of State. Certificate	2092

LEGISLATIVE BILL 503A. By Goodrich

Jan.	3	1	Title	41
Jan.	12	7	Advanced for Review	314
Jan.	18	10	Placed on Select File - AM7107	408
Jan.	25	15	Goodrich AM0982 printed	506
Jan.	31	19	AM7107 (E & R) adopted. Goodrich pending AM0982 p. 506 adopted. Advanced for Engrossment	596
Feb.	2	21	Correctly Engrossed	630
Feb.	2	21	ER6240 change	631
Mar.	29	54	Final Reading 33-10-6	1708
Mar.	29	54	Speaker signed	1711
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1922
Apr.	9	60	Kristensen motion to override veto passed 38-6-5	2036
Apr.	9	60	Communication and Certificate	2063
Apr.	16	AJ	Message from Secretary of State. Certificate	2092

LEGISLATIVE BILL 505. By Weihing

Jan.	3	1	Title	41
Jan.	4	2	Weihing AM2016 printed	164
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 505A. By Weihing

Jan.	3	1	Title	41
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 507. By Lynch, Labedz, Chizek, Hall, Hartnett

Jan.	3	1	Title	41
Feb.	21	31	Indefinitely postponed	899

LEGISLATIVE BILL 510. By Scofield

Jan.	3	1	Title	42
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 514. By Schimek, Baack

Jan.	3	1	Title	42
Jan.	9	4	Schimek priority bill	243
Jan.	16	8	Committee AM0728 p. 1968, First Session, adopted. Schimek FA325 adopted. Failed to advance for Review	330
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 514A. By Schimek, Baack

Jan.	3	1	Title	42
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 517. By Morrissey, Schimek

Jan.	3	1	Title	42
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 518. By Scofield, Weihing

Jan.	3	1	Title	42
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 519. By Beyer

Jan.	3	1	Title	43
Jan.	31	19	Indefinitely postponed	594

LEGISLATIVE BILL 520. By Schellpeper, Dierks

Jan.	3	1	Title	43
Jan.	3	1	Smith name added	130
Jan.	12	7	Schellpeper-Dierks AM2130 printed	306
Jan.	26	16	Schellpeper pending AM0438 p. 789, First Session, withdrawn. Schellpeper-Dierks pending AM2130 p. 306 adopted. Advanced for Review	533
Jan.	30	18	Placed on Select File - AM7113	560
Feb.	13	26	Schellpeper AM2415 to AM2130 printed	774
Mar.	1	37	AM7113 (E & R) adopted. Schellpeper pending AM2415 p. 774 and AM2673 to AM2415 adopted. Advanced for Engrossment	1085
Mar.	6	40	Correctly Engrossed. ER6253 change	1180
Mar.	29	54	Final Reading w/E 41-4-4	1709
Mar.	29	54	Speaker signed	1713
Mar.	29	54	Presented to Governor (3/29)	1727
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 520A. By Schellpeper

Jan.	3	1	Title	43
Jan.	26	16	Schellpeper AM2163 adopted. Advanced for Review	533
Jan.	30	18	Placed on Select File - AM7112	561
Feb.	5	22	Schellpeper AM2362 printed	665
Mar.	1	37	AM7112 (E & R) adopted. Schellpeper pending AM2362 p. 665 adopted. Advanced for Engrossment	1085
Mar.	6	40	Correctly Engrossed	1180
Mar.	29	54	Final Reading w/E 42-1-6	1710
Mar.	29	54	Speaker signed	1713
Mar.	29	54	Presented to Governor (3/29)	1727
Apr.	5	59	Approved by Governor with line-item veto (4/4)	1914
Apr.	16	AJ	Communication	2073
Apr.	16	AJ	Message from Secretary of State	2101
Apr.	16	AJ	Certificate	2102

LEGISLATIVE BILL 523. By Coordsen, Elmer, Morrissey, Korshoj

Jan.	3	1	Title	43
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 527. By Natural Resources Committee

Jan.	3	1	Title	43
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 529. By Chizek

Jan.	3	1	Title	44
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 530. By Hannibal

Jan.	3	1	Title	44
Feb.	7	24	Indefinitely postponed	705

LEGISLATIVE BILL 533. By Moore

Jan.	3	1	Title	44
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 534. By Withem, Barrett

Jan.	3	1	Title	44
Jan.	9	4	Committee AM0375 p. 780, First Session, adopted. Advanced for Review	237
Jan.	16	8	Placed on Select File - AM7089	345
Jan.	19	11	AM7089 (E & R) adopted. Advanced for Engrossment	426
Jan.	23	13	Correctly Engrossed	470
Jan.	26	16	Final Reading 47-0-2	526
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 536. By Wehrbein

Jan.	3	1	Title	44
Mar.	2	38	Placed on General File - Com AM2737	1131
Mar.	15	46	Committee AM2737 adopted. Advanced for Review	1389
Mar.	19	48	Placed on Select File - AM7190	1439
Mar.	21	50	AM7190 (E & R) adopted.	

			Advanced for Engrossment	1568
Mar.	27	57	Correctly Engrossed	1597
Mar.	29	54	Barrett motion to suspend rules prevailed	1683
Mar.	29	54	Haberman motion to return to Select File for FA429 withdrawn. Final Reading 43-0-6	1686
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1919
Apr.	9	60	Ashford motion to override veto passed 40-0-9	2041
Apr.	9	60	Communication and Certificate	2061
Apr.	16	AJ	Message from Secretary of State. Certificate	2084

LEGISLATIVE BILL 537. By Wehrbein

Jan.	3	1	Title	45
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 540. By Lindsay

Jan.	3	1	Title	45
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 542. By Lindsay, Ashford, Landis

Jan.	3	1	Title	45
Feb.	7	24	Committee AM0455 p. 956, First Session, adopted. Advanced for Review	699
Feb.	12	25	Placed on Select File - AM7127	728
Feb.	28	36	Lindsay AM2568 printed	1047
Mar.	5	39	AM7127 (E & R) adopted. Lindsay pending AM2568 p. 1047 adopted. Advanced for Engrossment	1155
Mar.	8	42	Correctly Engrossed	1289
Mar.	8	42	ER6259 change	1290
Mar.	19	48	Final Reading 40-0-9	1410
Mar.	19	48	President signed	1428
Mar.	19	48	Presented to Governor (3/19)	1435
Mar.	21	50	Approved by Governor (3/21)	1549

LEGISLATIVE BILL 543. By Chambers

Jan.	3	1	Title	45
Jan.	12	7	Committee AM0895 p. 1156, First Session,	

			adopted as amended by Chambers AM2109. Advanced for Review	301
Jan.	18	10	Placed on Select File - AM7104	407
Jan.	29	17	AM7104 (E & R) adopted. Advanced for Engrossment	552
Feb.	1	20	Correctly Engrossed	612
Feb.	7	24	Haberman motion to return to Select File for FA358 and Withem motion to return to Select File for FA359 withdrawn. Final Reading 41-0-8	694
Feb.	7	24	Speaker signed	695
Feb.	7	24	Presented to Governor (2/7)	707
Feb.	7	24	Abboud explanation of vote	724
Feb.	14	27	Approved by Governor (2/13)	784

LEGISLATIVE BILL 544. By Government, Military and Veterans Affairs Committee

Jan.	3	1	Title	45
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 544A. By Baack

Jan.	3	1	Title	46
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 545. By Government, Military and Veterans Affairs Committee

Jan.	3	1	Title	46
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 545A. By Baack

Jan.	3	1	Title	46
Jan.	30	18	Baack AM2048 printed	569
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 549. By Lynch

Jan.	3	1	Title	46
Jan.	31	19	Placed on General File - Com AM2145	607
Apr.	9	60	Indefinitely postponed (Amended into LB 1146 by AM3052)	2068

LEGISLATIVE BILL 550. By Lynch

Jan.	3	1	Title	46
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 551. By Lynch

Jan.	3	1	Title	46
Jan.	24	14	Byars AM2128 printed separate	488
Jan.	31	19	Placed on General File - Com AM2128 (printed separate)	607
Feb.	6	23	Committee AM2128 adopted as amended by Wesely AM2433. Byars pending AM2128 p. 488 withdrawn. Advanced for Review	680
Feb.	7	24	Byars and Kristensen names added	724
Feb.	12	25	Placed on Select File - AM7131	727
Mar.	8	42	Lynch AM2832 printed	1278
Mar.	19	48	Lynch AM3042 printed	1445
Mar.	22	51	AM7131 (E & R) adopted. Lynch pending AM2832 p. 1278 withdrawn. Lynch pending AM3042 p. 1445 adopted. Advanced for Engrossment	1580
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6281 change	1598
Apr.	5	59	Final Reading 44-1-4	1953
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 551A. By Lynch

Mar.	8	42	Read first time. Placed on General File	1294
Mar.	13	44	Advanced for Review	1323
Mar.	13	44	Placed on Select File	1339
Mar.	20	49	Lynch AM3084 printed	1504
Mar.	22	51	Lynch pending AM3084 p. 1504 adopted. Advanced for Engrossment	1581
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6282 change	1598
Apr.	5	59	Final Reading 44-0-5	1954
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 552. By Chizek

Jan.	3	1	Title	47
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 554. By Chizek

Jan.	3	1	Title	47
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 555. By Landis, Scofield

Jan.	3	1	Title	47
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 557. By Hall, Rogers, Labedz, Hefner, Hartnett

Jan.	3	1	Title	47
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 558. By McFarland

Jan.	3	1	Title	47
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 560. By McFarland, Crosby, Ashford

Jan.	3	1	Title	48
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 562. By Wesely

Jan.	3	1	Title	48
Feb.	26	34	Hall FA379 printed	991
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 565. By Ashford

Jan.	3	1	Title	48
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 567. By Withem, Ashford, Wesely, Bernard-Stevens

Jan.	3	1	Title	48
Jan.	19	11	Withem AM2177 printed	439
Jan.	22	12	Haberman FA335, FA336, and FA337 printed	458
Jan.	26	16	Withem pending AM2177 p. 439 adopted. Haberman request to substitute amendment prevailed. Haberman pending FA335, FA336 and FA337 p. 458 withdrawn. Haberman stbstitute FA340 adopted. Advanced for Review	534
Jan.	30	18	Placed on Select File - AM7114	561
Feb.	7	24	AM7114 (E & R) adopted. Advanced for Engrossment	702
Feb.	12	25	Correctly Engrossed	726
Feb.	12	25	ER6245 change	727
Mar.	29	54	Final Reading 27-20-2	1711
Mar.	29	54	Speaker signed	1713
Mar.	29	54	Presented to Governor (3/29)	1727
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 567A. By Withem

Jan.	3	1	Title	48
Jan.	10	5	Withem AM2049 printed	257
Jan.	19	11	Withem AM2178 printed	439
Jan.	26	16	Withem pending AM2049 p. 257 withdrawn. Withem pending AM2178 p. 439 adopted. Advanced for Review	541
Jan.	30	18	Placed on Select File - AM7115	561
Feb.	7	24	AM7115 (E & R) adopted. Advanced for Engrossment	702
Feb.	12	25	Correctly Engrossed	726
Mar.	29	54	Final Reading 27-20-2	1712
Mar.	29	54	Speaker signed	1713
Mar.	29	54	Presented to Governor (3/29)	1727
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 571. By Hefner, Korshoj, Dierks

Jan.	3	1	Title	48
Feb.	16	29	Hefner priority bill	850
Feb.	20	30	Hefner AM2420 to committee AM0795 printed	861
Feb.	26	34	Committee AM0795 p. 1135, First Session, adopted as amended by Hefner pending AM2420 p. 861 and Kristensen AM2678	

			(on file). Advanced for Review	990
Mar.	1	37	Placed on Select File - AM7176	1112
Mar.	5	39	Hefner AM2797 to AM7176 printed	1149
Mar.	8	42	AM7176 (E & R) adopted. Hefner pending AM2797 p. 1149 adopted as amended by Hefner AM2904. Conway AM2905 adopted. Advanced for Engrossment	1270
Mar.	12	43	Correctly Engrossed. ER6269 change	1309
Mar.	20	49	Landis AM3074 printed	1523
Mar.	27	52	Attorney General's Opinion #90023 to Chambers	1615
Apr.	5	59	Baack motion to suspend rules prevailed. Final Reading 34-0-15	1975
Apr.	5	59	Speaker signed	1982
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 571A. By Conway

Mar.	19	48	Read first time. Placed on General File	1422
Mar.	21	50	Advanced for Review	1531
Mar.	21	50	Placed on Select File	1548
Apr.	3	57	Advanced for Engrossment	1854
Apr.	3	57	Correctly Engrossed	1864
Apr.	5	59	Baack motion to suspend rules prevailed	1975
Apr.	5	59	Final Reading 35-0-14	1976
Apr.	5	59	Speaker signed	1982
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Returned by Governor without approval (4/7)	1992

LEGISLATIVE BILL 577. By Wesely

Jan.	3	1	Title	49
Mar.	12	43	Wesely AM2648 printed separate	1313
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 578. By Hartnett

Jan.	3	1	Title	49
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 579. By Judiciary Committee

Jan.	3	1	Title	49
Feb.	20	30	Advanced for Review	869
Feb.	22	32	Placed on Select File - AM7158	906

Feb.	28	36	AM7158 (E & R) adopted. Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 42-0-7	1207
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 581. By R. Johnson

Jan.	3	1	Title	49
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 590. By Baack, Withem

Jan.	3	1	Title	49
Jan.	23	13	Indefinitely postponed	472

LEGISLATIVE BILL 593. By Lynch, Hannibal, Labedz

Jan.	3	1	Title	50
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 594. By L. Johnson, Ashford, Pirsch, Abboud, Smith

Jan.	3	1	Title	50
Feb.	16	29	L. Johnson priority bill	852
Feb.	27	35	Committee AM0957 p. 1263, First Session, adopted. Advanced for Review	993
Mar.	1	37	Placed on Select File - AM7175	1116
Mar.	5	39	AM7175 (E & R) adopted. Advanced for Engrossment	1161
Mar.	8	42	Correctly Engrossed	1289
Mar.	19	48	Final Reading 40-0-9	1411
Mar.	19	48	President signed	1428
Mar.	19	48	Presented to Governor (3/19)	1435
Mar.	21	50	Approved by Governor (3/21)	1549

LEGISLATIVE BILL 596. By Chambers

Jan.	3	1	Title	50
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 597. By Abboud

Jan.	3	1	Title	50
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 598. By Warner

Jan.	3	1	Title	51
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 600. By L. Johnson

Jan.	3	1	Title	51
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 601. By Withem

Jan.	3	1	Title	51
Jan.	9	4	Committee AM0374 p. 780, First Session, adopted. Advanced for Review	237
Jan.	16	8	Placed on Select File - AM7090	345
Jan.	19	11	AM7090 (E & R) adopted. Advanced for Engrossment	426
Jan.	23	13	Correctly Engrossed	470
Jan.	26	16	Final Reading 46-0-3	527
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 602. By Warner, Harnett

Jan.	3	1	Title	51
Feb.	7	24	Advanced for Review	704
Feb.	12	25	Placed on Select File - AM7129	729
Feb.	13	26	AM7129 (E & R) adopted. Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	791
Feb.	22	32	Final Reading w/E 37-0-12	912
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 604. By Landis

Jan.	3	1	Title	51
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 607. By Landis

Jan.	3	1	Title	52
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 610. By Smith

Jan.	3	1	Title	52
Jan.	10	5	Smith AM1978 printed separate	257
Jan.	23	13	Withem AM1992 printed	464
Jan.	25	15	Scofield AM2230 printed	500
Feb.	1	20	Wesely AM2373 printed	626
Mar.	30	55	Haberman name added	1761
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 616. By Schmit

Jan.	3	1	Title	52
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 617. By Schmit

Jan.	3	1	Title	52
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 618. By Dierks, Baack, Pirsch, Schellpeper, McFarland

Jan.	3	1	Title	52
Feb.	14	27	Placed on General File	791
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 618A. By Dierks

Mar.	2	38	Read first time. Placed on General File	1127
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 620. By Natural Resources Committee

Jan.	3	1	Title	53
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 624. By Warner, Wehrbein, Coordsen

Jan.	3	1	Title	53
Feb.	13	26	Placed on General File	780
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 625. By Natural Resources Committee

Jan.	3	1	Title	53
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 628. By Robak, Schmit

Jan.	3	1	Title	54
Apr.	3	57	Schmit AM3097 printed	1815
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 632. By Baack

Jan.	3	1	Title	54
Feb.	2	21	McFarland AM2367 printed	649
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 636. By Baack

Jan.	3	1	Title	54
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 638. By Baack, Withem

Jan.	3	1	Title	54
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 641. By Schmit

Jan.	3	1	Title	54
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 642. By Ashford

Jan.	3	1	Title	54
Jan.	26	16	Ashford priority bill	536
Feb.	13	26	Weihing name added	782
Feb.	14	27	Crosby and Chambers names added	797
Feb.	21	31	Committee AM1368 p. 1657, First Session, lost. Haberman FA371 and FA372 lost	891

Feb.	21	31	Hall motion to indefinitely postpone laid over	898
Mar.	1	37	Ashford AM2753 printed	1074
Mar.	8	42	Hall pending motion p. 898 withdrawn. Ashford pending AM2753 p. 1074 adopted. Failed to advance for Review	1283
Mar.	8	42	Barrett explanation of vote	1292
Mar.	12	43	Haberman AM2839 and AM2873 to AM2753 printed	1304
Mar.	12	43	Byars explanation of vote	1306
Mar.	13	44	Haberman explanation of vote	1327
Mar.	22	51	Scofield explanation of vote	1594
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 645. By Wesely

Jan.	3	1	Title	55
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 647. By Wesely

Jan.	3	1	Title	55
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 648. By Health and Human Services Committee

Jan.	3	1	Title	55
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 650. By Scofield

Jan.	3	1	Title	55
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 656. By Nelson

Jan.	3	1	Title	55
Feb.	16	29	Nelson priority bill	852
Feb.	20	30	Nelson AM2015 to committee amendment printed separate	879
Feb.	27	35	Committee AM1677 p. 2106, First Session, adopted as amended by Nelson pending AM2015 p. 879. Advanced for Review	994
Mar.	1	37	Placed on Select File - AM7177	1116
Mar.	7	41	AM7177 (E & R) adopted. Landis AM2796	

			and Nelson AM2866 adopted. Advanced for Engrossment	1243
Mar.	12	43	Correctly Engrossed	1309
Mar.	12	43	ER6265 change	1310
Mar.	13	44	Nelson AM2929 printed	1333
Mar.	19	48	Nelson pending AM2929 p. 1333 withdrawn. Returned to Select File for Nelson amendment. Nelson AM3049 adopted. Advanced for Re-Engrossment	1415
Mar.	19	48	Abboud motion to return to Select File for AM3054 withdrawn	1416
Mar.	20	49	Correctly Re-Engrossed	1523
Mar.	22	51	Correction	1572
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 41-0-8	1834
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Approved by Governor (4/6)	1985

LEGISLATIVE BILL 658. By Bernard-Stevens

Jan.	3	1	Title	56
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 659. By Lynch, Hall

Jan.	3	1	Title	56
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 662. By Scofield, Chizek, Coordsen, Wesely, Landis, Barrett, Moore, Smith, Baack, Labedz, Pirsch

Jan.	3	1	Title	56
Jan.	4	2	Bernard-Stevens name added	184
Jan.	10	5	Committee AM0785 p. 1106, First Session, sustained division of question. Committee FA310 adopted as amended by Wesely FA311. Committee FA312 lost. Advanced for Review	270
Jan.	18	10	Placed on Select File - AM7099	405
Jan.	25	15	Scofield AM2211 printed	502

Jan.	26	16	Labedz AM2294 printed	545
Jan.	30	18	Scofield AM2331 printed	575
Feb.	14	27	Smith AM2461 printed	789
Feb.	20	30	Wesely AM2556 to AM2211 printed	879
Feb.	27	35	Scofield AM2690 printed	1006
Feb.	28	36	Labedz AM2710 printed	1046
Feb.	28	36	Labedz AM2712 printed	1047
Mar.	1	37	AM7099 (E & R) adopted. Scofield pending AM2211 p. 502, Labedz pending AM2294 p. 545, Scofield pending AM2331 p. 575, Wesely pending AM2556 p. 879, and Scofield pending AM2690 p. 1006 adopted. Smith pending AM2461 p. 789, Labedz pending AM2710 p. 1046 and pending AM2712 p. 1047 withdrawn. Advanced for Engrossment	1079
Mar.	6	40	Correctly Engrossed. ER6255 change	1180
Mar.	28	53	Attorney General's Opinion #90025 to Nelson	1671
Mar.	29	54	Nelson motion to return to Select File for FA436 lost	1713
Mar.	30	55	Smith motion to return to Select File for AM3220 withdrawn	1743
Mar.	30	55	Landis motion to return to Select File for FA441 and Lindsay motion to return to Select File for FA442 withdrawn	1744
Mar.	30	55	Final Reading 41-1-7	1745
Mar.	30	55	Speaker signed	1751
Mar.	30	55	Presented to Governor (3/30)	1755
Apr.	5	59	Returned by Governor without approval (4/4)	1923
Apr.	9	60	Scofield motion to override veto withdrawn	2052

LEGISLATIVE BILL 662A. By Scofield

Jan.	10	5	Read first time. Placed on General File	273
Jan.	23	13	Advanced for Review	466
Jan.	24	14	Placed on Select File	482
Feb.	28	36	Scofield AM2738 printed	1059
Mar.	1	37	Scofield pending AM2738 p. 1059 adopted. Advanced for Engrossment	1080
Mar.	6	40	Correctly Engrossed	1180
Mar.	30	55	Final Reading 39-1-9	1745
Mar.	30	55	Speaker signed	1751
Mar.	30	55	Presented to Governor (3/30)	1755
Apr.	5	59	Returned by Governor without approval (4/4)	1923

LEGISLATIVE BILL 663. By Scofield, Pirsch, Coordsen, Wesely, Landis, Moore, Barrett, Baack, Smith, Bernard-Stevens, Labedz

Jan.	3	1	Title	56
Jan.	29	17	Committee AM0830 p. 1289, First Session, lost. Scofield AM2210 (printed separate) adopted as amended by Lindsay FA344 and FA345. Advanced for Review	551
Jan.	31	19	Placed on Select File - AM7116	589
Feb.	6	23	Scofield AM2426 printed	684
Feb.	7	24	AM7116 (E & R) adopted. Scofield pending AM2426 p. 684 adopted. Advanced for Engrossment	702
Feb.	12	25	Correctly Engrossed	726
Mar.	30	55	Final Reading 40-0-9	1746
Mar.	30	55	Speaker signed	1751
Mar.	30	55	Presented to Governor (3/30)	1755
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 663A. By Scofield

Feb.	7	24	Read first time. Placed on General File	690
Feb.	15	28	Advanced for Review	820
Feb.	16	29	Placed on Select File	839
Feb.	23	33	Advanced for Engrossment	976
Feb.	28	36	Correctly Engrossed	1045
Mar.	30	55	Final Reading 41-0-8	1747
Mar.	30	55	Speaker signed	1751
Mar.	30	55	Presented to Governor (3/30)	1755
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 664. By Scofield, Chizek, Pirsch, Wesely, Landis, Labedz, Smith, Baack

Jan.	3	1	Title	57
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 666. By Scofield, Baack, Smith, Labedz

Jan.	3	1	Title	57
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 667. By Lamb

Jan. 3 1 Title 57
Jan. 29 17 Indefinitely postponed 556

LEGISLATIVE BILL 668. By Hall

Jan. 3 1 Title 57
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 672. By Scofield, Coordsen, Hall, Dierks, Korshoj

Jan. 3 1 Title 57
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 673. By Chizek

Jan. 3 1 Title 58
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 674. By Pirsch, Nelson, Crosby, Peterson, Beck

Jan. 3 1 Title 58
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 675. By Schmit

Jan. 3 1 Title 58
Mar. 2 38 Indefinitely postponed 1135

LEGISLATIVE BILL 677. By Schmit

Jan. 3 1 Title 58
Mar. 2 38 Indefinitely postponed 1135

LEGISLATIVE BILL 678. By Wesely

Jan. 3 1 Title 58
Jan. 8 3 Committee AM0570 p. 908, First Session, adopted as amended by Haberman AM2030 and Wesely FA307. Wesely AM2085 adopted. Haberman pending AM1137 p. 1518, First Session, withdrawn. Advanced for Review 205
Jan. 10 5 Placed on Select File - AM7085 265
Jan. 23 13 Smith AM2188 printed 480
Jan. 29 17 AM7085 (E & R) adopted. Smith pending

			AM2188 p. 480, Smith AM2307, Lamb FA341, Wesely FA342 and Smith FA343 adopted. Advanced for Engrossment	549
Feb.	1	20	Correctly Engrossed	612
Feb.	1	20	ER6237 change	613
Mar.	6	40	Wesely-Lamb AM2823 printed	1195
Mar.	7	41	Returned to Select File for Wesely-Lamb amendment. Wesely-Lamb pending AM2823 p. 1195 adopted. Advanced for Re-Engrossment. Beck motion to return to Select File for FA396 withdrawn	1200
Mar.	8	42	Correctly Re-Engrossed	1289
Mar.	30	55	Final Reading 27-17-5	1748
Mar.	30	55	Speaker signed	1751
Mar.	30	55	Presented to Governor (3/30)	1755
Apr.	5	59	Returned by Governor without approval (4/4)	1915
Apr.	9	60	Wesely motion to override veto withdrawn	2038

LEGISLATIVE BILL 678A. By Wesely

Jan.	3	1	Title	59
Jan.	4	2	Wesely AM2054 printed	158
Jan.	8	3	Wesely pending AM2054 p. 158 adopted. Advanced for Review	207
Jan.	10	5	Placed on Select File - AM7086	266
Jan.	29	17	AM7086 (E & R) adopted. Advanced for Engrossment	551
Feb.	1	20	Correctly Engrossed	612
Mar.	30	55	Final Reading 25-12-12	1749
Mar.	30	55	Speaker signed	1751
Mar.	30	55	Presented to Governor (3/30)	1755
Apr.	5	59	Returned by Governor without approval (4/4)	1915

LEGISLATIVE BILL 682. By Landis

Jan.	3	1	Title	59
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 685. By Lindsay

Jan.	3	1	Title	59
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 686. By Lindsay

Jan.	3	1	Title	59
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 688. By Lindsay

Jan.	3	1	Title	60
Feb.	1	20	Placed on General File - Com AM2354	622
Feb.	15	28	Lindsay priority bill	806
Feb.	20	30	Committee AM2354 adopted as amended by Wesely AM2588. Advanced for Review	865
Feb.	22	32	Placed on Select File - AM7151	905
Mar.	6	40	Lindsay AM2754 printed	1175
Mar.	8	42	AM7151 (E & R) adopted. Lindsay pending AM2754 p. 1175 adopted. Moore-Lamb AM2592 ruled not germane. Moore motion to suspend rules and permit consideration of AM2592 lost. Advanced for Engrossment	1266
Mar.	12	43	Correctly Engrossed	1309
Mar.	12	43	ER6267 change	1310
Mar.	27	52	Attorney General's Opinion #90022 to Smith	1612
Mar.	30	55	Landis motion to return to Select File for FA443 lost. Chambers motion to reconsider action on Landis FA443 pending. McFarland motion to cease debate pending. Chambers request for ruling on debate -- Challenge of Chair lost. Chambers motion to reconsider challenge lost	1751
Mar.	30	55	McFarland pending motion p. 1752 prevailed. Chambers pending motion p. 1752 to reconsider action lost. Landis-Chambers motion to return to Select File for FA444 pending	1757
Mar.	30	55	Landis-Chambers pending motion p. 1759 pending	1762
Mar.	30	55	Landis-Chambers pending motion p. 1759 pending	1765
Mar.	30	55	Landis-Chambers pending motion p. 1759 lost	1768
Mar.	30	55	Chambers motion to reconsider Landis-Chambers motion to return to Select File for FA444 pending	1769
Mar.	30	55	Chambers pending motion p. 1769 lost	1774
Mar.	30	55	Landis-Chambers motion to return to Select File for FA445 pending. Chambers motion to bracket until	

			1/1/91 withdrawn	1775
Mar.	30	55	Landis-Chambers pending motion to return to Select File for FA445 pending. Chambers motion to bracket until 1/2/91 ruled out of order by Withem challenge of Chair. Previous question ruled in order. Challenge pending. Abboud pending motion to cease debate withdrawn	1777
Mar.	30	55	Chambers motion to reconsider vote on Withem pending motion to challenge p. 1777 lost. Schimek motion to bracket until 1/1/91 ruled out of order. Chambers motion to bracket ruled in order. McFarland challenge of Chair pending	1779
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 1064 by AM3207)	

LEGISLATIVE BILL 688A. By Lindsay

Mar.	13	44	Read first time. Placed on General File	1344
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 689. By Lindsay, Lynch, Wesely

Jan.	3	1	Title	60
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 690. By Moore, Peterson, Elmer, Robak

Jan.	3	1	Title	60
Feb.	15	28	Placed on General File	824
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 692. By Weihing

Jan.	3	1	Title	60
Jan.	10	5	Weihing AM0356 printed	272
Feb.	1	20	Committee AM0311 p. 682, First Session, adopted. Weihing pending AM0356 p. 272 adopted. Advanced for Review	618
Feb.	1	20	Abboud name added	628
Feb.	5	22	Placed on Select File - AM7119	660
Feb.	7	24	AM7119 (E & R) adopted. Advanced for Engrossment	702
Feb.	12	25	Correctly Engrossed	726

Feb.	15	28	Final Reading 41-0-8	814
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (corrected p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 693. By Morrissey, Korshoj, Chambers

Jan.	3	1	Title	61
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 696. By Schmit

Jan.	3	1	Title	61
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 702. By Hall

Jan.	3	1	Title	61
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 703. By Hall

Jan.	3	1	Title	61
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 704. By Hall

Jan.	3	1	Title	61
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 707. By Hall

Jan.	3	1	Title	61
Jan.	3	1	Hall AM2026 to committee AM1139 printed	128
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 708. By Chambers

Jan.	3	1	Title	62
Feb.	1	20	Chambers FA352 adopted	619
Feb.	2	21	McFarland FA355 adopted	648
Feb.	5	22	Chambers FA356 adopted. Failed to advance for Review	663

Feb.	16	29	Chambers priority bill	843
Feb.	26	34	Chambers FA375 printed	979
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 709. By Chambers

Jan.	3	1	Title	62
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 713. By Lamb

Jan.	3	1	Title	62
Apr.	9	60	Indefinitely postponed (Amended into LB 369 by AM2221)	2068

LEGISLATIVE BILL 715. By Lamb, Scofield, Dierks

Jan.	3	1	Title	62
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 716. By Schmit, Elmer

Jan.	3	1	Title	62
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 718. By Haberman

Jan.	3	1	Title	62
Jan.	16	8	Notice of hearing (2/6) (Rehearing)	337
Jan.	30	18	Notice of hearing (2/6) (Rehearing) (Cancel)	571
Jan.	31	19	Indefinitely postponed	584

LEGISLATIVE BILL 719. By Withem, Baack

Jan.	3	1	Title	63
Apr.	9	60	Indefinitely postponed (Amended into LB 240 by AM2276)	2068

LEGISLATIVE BILL 720. By Wesely

Jan.	3	1	Title	63
Jan.	8	3	Committee AM0618 p. 909, First Session, adopted. Warner FA308 adopted. Advanced for Review	209
Jan.	10	5	Placed on Select File - AM7087	266

Jan.	26	16	Wesely AM2259 printed	542
Jan.	30	18	AM7087 (E & R) adopted. Wesely pending AM2259 p. 542 adopted as amended by Warner FA346 and Bernard-Stevens FA348. Advanced for Engrossment	571
Feb.	2	21	Correctly Engrossed	630
Feb.	2	21	ER6238 change	632
Apr.	5	59	Final Reading 34-4-11	1928
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 720A. By Wesely

Jan.	3	1	Title	63
Jan.	4	2	Wesely AM2057 printed	157
Jan.	8	3	Wesely pending AM2057 p. 157 adopted. Advanced for Review	209
Jan.	10	5	Placed on Select File - AM7088	266
Jan.	30	18	AM7088 (E & R) adopted. Advanced for Engrossment	571
Feb.	2	21	Correctly Engrossed	630
Apr.	5	59	Final Reading 34-3-12	1929
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 723. By Wesely

Jan.	3	1	Title	63
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 723A. By Wesely

Jan.	12	7	Read first time. Placed on General File	311
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 724. By Withem

Jan.	3	1	Title	63
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 725. By Withem

Jan.	3	1	Title	63

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 726. By Withem

Jan.	3	1	Title	64
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 729. By Warner

Jan.	3	1	Title	64
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 730. By Warner

Jan.	3	1	Title	64
Jan.	9	4	Committee AM0493 p. 832, First Session, adopted. Advanced for Review	237
Jan.	16	8	Placed on Select File - AM7091	346
Jan.	19	11	AM7091 (E & R) adopted. Advanced for Engrossment	426
Jan.	23	13	Correctly Engrossed	470
Jan.	26	16	Final Reading 45-0-4	528
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 732. By Health and Human Services Committee

Jan.	3	1	Title	64
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 734. By Moore

Jan.	3	1	Title	65
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 735. By Moore

Jan.	3	1	Title	65
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 736. By R. Johnson, Robak, Nelson

Jan.	3	1	Title	65
Feb.	26	34	Indefinitely postponed	980

LEGISLATIVE BILL 737. By Hannibal, Lynch

Jan.	3	1	Title	65
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 740. By Crosby

Jan.	3	1	Title	65
Jan.	23	13	Indefinitely postponed	472

LEGISLATIVE BILL 741. By Crosby

Jan.	3	1	Title	65
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 741A. By Crosby

Jan.	3	1	Title	66
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 742. By Robak, Schmit, Chizek, Smith, Ashford, Korshoj, Withem, Elmer, Moore, Labedz

Jan.	3	1	Title	66
Jan.	10	5	Committee AM0655 p. 1029, First Session, adopted. Pending	264
Jan.	10	5	Advanced for Review	268
Jan.	18	10	Placed on Select File - AM7096	401
Jan.	26	16	Wesely AM2162 to AM7096 printed	543
Feb.	6	23	AM7096 (E & R) adopted. Wesely pending AM2162 p. 543 lost	681
Feb.	7	24	Robak AM2436 and Crosby AM2431 to AM7096 adopted. Wesely FA360 withdrawn. Advanced for Engrossment	699
Feb.	12	25	Correctly Engrossed	726
Feb.	12	25	ER6244 change	727
Feb.	15	28	Final Reading w/E 39-3-7	815
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Governor (2/15)	833
Feb.	21	31	Approved by Governor (2/20) (corrected p. 2070)	882
Apr.	16	AJ	Corrected Message from Governor	2070

LEGISLATIVE BILL 743. By Smith, Coordsen, Schellpeper, Dierks, Labedz, Schmit, Hall

Jan.	3	1	Title	66
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 746. By Wesely

Jan.	3	1	Title	66
Apr.	9	60	Indefinitely postponed (Amended into LB 1146 by AM3043)	2068

LEGISLATIVE BILL 747. By Chizek, Withem, Hartnett, Robak, Ashford, Abboud

Jan.	3	1	Title	66
Jan.	4	2	Hall AM2022 to AM1942 printed	171
Jan.	9	4	Committee AM0781 p. 1093, First Session, pending. Moore motion to bracket until 2/28/90 pending	231
Jan.	9	4	Moore pending motion p. 231 prevailed	235
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 747A. By Chizek

Jan.	3	1	Title	67
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 749. By R. Johnson

Jan.	3	1	Title	67
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 750. By Chizek

Jan.	3	1	Title	67
Feb.	2	21	Indefinitely postponed	649

LEGISLATIVE BILL 753. By Goodrich

Jan.	3	1	Title	67
Jan.	31	19	Indefinitely postponed	594

LEGISLATIVE BILL 755. By Natural Resources Committee

Jan.	3	1	Title	67
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 756. By Weihing

Jan.	3	1	Title	68
Jan.	12	7	Weihing pending AM1310 p. 1593, First Session, adopted. Advanced for Engrossment	327
Jan.	19	11	Correctly Engrossed	430
Jan.	19	11	ER6226 change	433
Jan.	26	16	Final Reading 46-0-3	525
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 757. By Korshoj, Beck, Langford, Pirsch, Coordsen

Jan.	3	1	Title	68
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 758. By Weihing

Jan.	3	1	Title	68
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 764. By Natural Resources Committee

Jan.	3	1	Title	69
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 768. By Labedz

Jan.	3	1	Title	69
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 769. By Labedz, Barrett, Beck, Beyer, Conway, Coordsen, Crosby, Dierks, Elmer, Goodrich, Hall, Hartnett, Hefner, L. Johnson, Korshoj, Kristensen, Lamb, Langford, Lindsay, Lynch, McFarland, Peterson, Pirsch, Robak, Rogers, Schellpeper, Schmit, Wehrbein, Abboud

Nov.	8	1	Attorney General's Opinion #89059 to Labedz (printed in First Special Session journal)	34
Jan.	3	1	Title	69
Jan.	4	2	Bernard-Stevens AM1995 printed	145
Jan.	19	11	Smith AM2182 printed	440

Jan.	22	12	Smith request to substitute amendment prevailed. Smith AM1693 withdrawn. Smith substitute pending AM2182 p. 440 adopted. Ashford pending AM1427 p. 2149, and Nelson-Schimek pending FA258 p. 2291, First Session, withdrawn. Ashford pending AM1736 and AM1735 p. 2149, First Session, lost. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM1995 p. 145 withdrawn. Bernard-Stevens substituted AM2127 sustained division of question. Challenge of Chair prevailed. Scofield motion to bracket until 1/24/90 lost. Bernard-Stevens requested division of question on pending AM2127 p. 446. Chair ruled division of question out of order. Bernard-Stevens challenge of Chair pending	445
Jan.	22	12	Scofield AM2111 printed	459
Jan.	23	13	Bernard-Stevens pending challenge of Chair lost. Bernard-Stevens motion to reconsider vote on divisibility of AM2137 lost. Point of order overruled. Challenge of Chair lost. Lindsay motion to bracket until 1/24/90 withdrawn	467
Jan.	23	13	Scofield motion to recommit to committee pending	473
Jan.	23	13	Scofield pending motion p. 473 lost	479
Jan.	24	14	Wesely motion to bracket until 3/20/90 withdrawn. Chambers request for division of question on pending AM2127 ruled out of order. Challenge of Chair lost. Pending	484
Jan.	24	14	Chambers motion to reconsider vote to overrule Chair lost. Schimek motion to bracket until 3/20/90 pending. Chambers FA338 to Schimek motion pending. Langford motion to cease debate pending. Point of order overruled. Challenge of Chair pending	489
Jan.	25	15	Bernard-Stevens pending challenge of Chair p. 491 lost. Langford pending motion p. 491 pending. Point of order. Challenge of Chair withdrawn. Pending	497
Jan.	25	15	Langford pending motion p. 491 prevailed. Chambers pending FA338 p. 490 lost.	

Chambers FA339 to pending Schimek motion pending. Lamb request for ruling of Chair pending 507
Jan. 31 19 Lynch AM2313 printed 603
Feb. 21 31 Correction for First Session p. 2109 881
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 770. By Bernard-Stevens, Scofield, Baack, Schimek, Wehrbein

Jan. 3 1 Title 69
Mar. 2 38 Indefinitely postponed 1135

LEGISLATIVE BILL 771. By Hartnett, Smith, Beck

Jan. 3 1 Title 70
Feb. 12 25 Indefinitely postponed 747
Feb. 20 30 Speaker Barrett priority bill 867
Feb. 20 30 Speaker Barrett priority bill withdrawn 879

LEGISLATIVE BILL 775. By Beck, Lindsay, Labedz, Hall

Jan. 3 1 Title 70
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 776. By Hartnett, Schimek

Jan. 3 1 Title 70
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 778. By General Affairs Committee

Jan. 3 1 Title 70
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 784. By McFarland

Jan. 3 1 Title 70
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 788. By Hartnett

Jan. 3 1 Title 70
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 789. By Hartnett

Jan.	3	1	Title	71
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 791. By Hartnett

Jan.	3	1	Title	71
Feb.	28	36	Indefinitely postponed	1045

LEGISLATIVE BILL 792. By Hartnett

Jan.	3	1	Title	71
Feb.	28	36	Indefinitely postponed	1045

LEGISLATIVE BILL 794. By Hartnett

Jan.	3	1	Title	71
Feb.	2	21	Indefinitely postponed	649

LEGISLATIVE BILL 796. By Labedz, Lynch, Hall, Chizek, Ashford

Jan.	3	1	Title	72
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 797. By Schmit

Jan.	3	1	Title	72
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 799. By Beyer

Jan.	3	1	Title	72
Jan.	22	12	Beyer AM2175 printed	458
Feb.	16	29	Beyer priority bill	839
Feb.	26	34	Committee AM0692 p. 1078, First Session, adopted as amended by Lindsay-Hartnett AM2682. Beyer pending AM2175 p. 458 adopted. Lindsay FA377 and Bernard-Stevens FA378 withdrawn. Advanced for Review	988
Feb.	28	36	Placed on Select File - AM7174 (printed separate)	1033
Mar.	6	40	Lindsay AM2860 (1), AM2859 (2), and	

			AM2861 (3) to AM7174 printed	1193
Mar.	6	40	Lindsay AM2862 (4) and AM2863 (5) to AM7174 printed	1194
Mar.	14	45	Beyer AM3003 to AM7174 printed	1371
Mar.	22	51	AM7174 (E & R) adopted. Beyer pending AM3003 p. 1371 lost as amended by Lindsay AM3086. Warner AM3146 lost. Kristensen AM3143 (on file) adopted. Pending	1581
Mar.	22	51	Lindsay pending AM2860, AM2859, AM2861, AM2862, AM2863 pages 1193-94, and Hall AM3155 withdrawn. Peterson FA417 adopted. Advanced for Engrossment	1586
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6283 change	1599
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading w/E 43-1-5	1837
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Approved by Governor (4/6)	1985

LEGISLATIVE BILL 802. By Schmit

Jan.	3	1	Title	72
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 805. By Schmit, Robak

Jan.	3	1	Title	72
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 807. By Schmit

Jan.	3	1	Title	73
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 808. By Schmit

Jan.	3	1	Title	73
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 809. By Speaker Barrett at request of Governor; Hannibal, Weihing, Smith, Kristensen, Abboud, Beck, Ashford, Wehrbein, Moore, Bernard-Stevens, Warner, Conway, Crosby, Langford, Elmer, Byars, Hefner, Coordsen, Lamb, Peterson, Rogers, Beyer, Goodrich, L. Johnson, Nelson, Pirsch

Jan.	3	1	Title	73
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 809A. By Byars

Jan.	3	1	Title	74
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 818. By Executive Board

Jan.	3	1	Read first time	97
Jan.	4	2	Placed on General File	135
Jan.	10	5	Advanced for Review	258
Jan.	16	8	Placed on Select File	346
Jan.	19	11	Advanced for Engrossment	426
Jan.	23	13	Correctly Engrossed	470
Jan.	26	16	Final Reading 43-0-6	528
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 819. By Executive Board

Jan.	3	1	Read first time	97
Jan.	4	2	Placed on General File	135
Jan.	10	5	Advanced for Review	258
Jan.	16	8	Placed on Select File	346
Jan.	19	11	Advanced for Engrossment	426
Jan.	23	13	Correctly Engrossed	470
Jan.	26	16	Final Reading 45-0-4	529
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 820. By Executive Board

Jan.	3	1	Read first time	98
Jan.	4	2	Placed on General File	135
Jan.	10	5	Advanced for Review	258

Jan.	16	8	Placed on Select File - AM7092	346
Jan.	19	11	AM7092 (E & R) adopted. Advanced for Engrossment	426
Jan.	23	13	Correctly Engrossed	470
Jan.	26	16	Final Reading 47-0-2	530
Jan.	26	16	President signed	531
Jan.	26	16	Presented to Governor (1/26)	536
Feb.	1	20	Approved by Governor (2/1)	625

LEGISLATIVE BILL 821. By Executive Board

Jan.	3	1	Read first time	98
Jan.	4	2	Placed on General File	135
Jan.	10	5	Advanced for Review	258
Jan.	17	9	Placed on Select File - AM7102	350
Jan.	19	11	AM7102 (E & R) adopted. Advanced for Engrossment	426
Jan.	24	14	Correctly Engrossed	482
Feb.	2	21	Final Reading 39-0-10	634
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 822. By Executive Board

Jan.	3	1	Read first time	98
Jan.	4	2	Placed on General File	135
Jan.	10	5	Advanced for Review	258
Jan.	17	9	Placed on Select File - AM7101	350
Jan.	19	11	AM7101 (E & R) adopted. Advanced for Engrossment	426
Jan.	24	14	Correctly Engrossed	482
Feb.	2	21	Final Reading 41-0-8	635
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 823. By Executive Board

Jan.	3	1	Read first time	99
Jan.	4	2	Placed on General File	136
Jan.	10	5	Advanced for Review	258
Jan.	17	9	Placed on Select File	351
Jan.	19	11	Advanced for Engrossment	426
Jan.	24	14	Correctly Engrossed	482

Feb.	2	21	Final Reading 41-0-8	637
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 824. By Executive Board

Jan.	3	1	Read first time	99
Jan.	4	2	Placed on General File	136
Jan.	10	5	Advanced for Review	258
Jan.	17	9	Placed on Select File	351
Jan.	19	11	Advanced for Engrossment	426
Jan.	24	14	Correctly Engrossed	482
Feb.	2	21	Final Reading 41-0-8	638
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 825. By Executive Board

Jan.	3	1	Read first time	99
Jan.	4	2	Placed on General File	136
Jan.	10	5	Advanced for Review	259
Jan.	17	9	Placed on Select File - AM7095	351
Jan.	19	11	AM7095 (E & R) adopted. Advanced for Engrossment	426
Jan.	24	14	Correctly Engrossed	482
Feb.	2	21	Final Reading 41-0-8	639
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 826. By Executive Board

Jan.	3	1	Read first time	100
Jan.	4	2	Placed on General File	136
Jan.	10	5	Advanced for Review	259
Jan.	17	9	Placed on Select File	351
Jan.	19	11	Advanced for Engrossment	426
Jan.	24	14	Correctly Engrossed	482
Feb.	2	21	Final Reading 40-0-9	640
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 827. By Executive Board

Jan.	3	1	Read first time	100
Jan.	4	2	Placed on General File	136
Jan.	10	5	Advanced for Review	259
Jan.	17	9	Placed on Select File	351
Jan.	19	11	Advanced for Engrossment	426
Jan.	24	14	Correctly Engrossed	482
Feb.	2	21	Final Reading 39-0-10	640
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 828. By Executive Board

Jan.	3	1	Read first time	100
Jan.	4	2	Placed on General File	136
Jan.	10	5	Advanced for Review	259
Jan.	17	9	Placed on Select File - AM7097	351
Jan.	19	11	AM7097 (E & R) adopted. Advanced for Engrossment	427
Jan.	24	14	Correctly Engrossed	482
Jan.	24	14	ER6235 change	483
Feb.	2	21	Final Reading 42-0-7	641
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 829. By Executive Board

Jan.	3	1	Read first time	100
Jan.	4	2	Placed on General File	136
Jan.	10	5	Advanced for Review	259
Jan.	17	9	Placed on Select File - AM7098	351
Jan.	19	11	AM7098 (E & R) adopted. Advanced for Engrossment	427
Jan.	24	14	Correctly Engrossed	482
Feb.	2	21	Final Reading 43-0-6	642
Feb.	2	21	Speaker signed	643
Feb.	2	21	Presented to Governor (2/2)	646
Feb.	12	25	Approved by Governor (2/7)	739

LEGISLATIVE BILL 830. By Peterson

Jan.	3	1	Read first time	100

Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	4	2	Schellpeper name added	184
Jan.	10	5	Notice of hearing (1/17)	265
Jan.	22	12	Placed on General File	458
Feb.	20	30	Advanced for Review	870
Feb.	22	32	Placed on Select File	906
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Wesely motion to return to Select File for FA398 withdrawn. Final Reading 41-1-7	1208
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 831. By Labedz

Jan.	3	1	Read first time	101
Jan.	4	2	Referred to Committee on Revenue	136
Jan.	24	14	Notice of hearing (1/31)	486
Feb.	2	21	Placed on General File	648
Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File - AM7155	907
Feb.	28	36	AM7155 (E & R) adopted. Advanced for Engrossment	1042
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 43-0-6	1209
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 832. By Warner

Jan.	3	1	Read first time	101
Jan.	4	2	Referred to Committee on Revenue	136
Jan.	10	5	Notice of hearing (1/17)	272
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 833. By Haberman

Jan.	3	1	Read first time	101
Jan.	4	2	Referred to Committee on Nebraska Retirement Systems	136
Jan.	4	2	Notice of hearing (1/11)	145

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 834. By Haberman

Jan.	3	1	Read first time	101
Jan.	4	2	Referred to Committee on Nebraska Retirement Systems	136
Jan.	4	2	Notice of hearing (1/11)	145
Jan.	16	8	Placed on General File	343
Feb.	20	30	Advanced for Review	870
Feb.	22	32	Placed on Select File	906
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Apr.	5	59	Final Reading 44-0-5	1930
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Returned by Governor without approval (4/7)	1993
Apr.	9	60	Haberman motion to override veto passed 31-0-18	2054
Apr.	9	60	Communication and Certificate	2055
Apr.	16	AJ	Message from Secretary of State	2079
Apr.	16	AJ	Certificate	2080

LEGISLATIVE BILL 835. By Landis

Jan.	3	1	Read first time	101
Jan.	4	2	Referred to Committee on Judiciary	136
Jan.	19	11	Notice of hearing (1/26)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 836. By Landis

Jan.	3	1	Read first time	102
Jan.	4	2	Referred to Committee on Transportation	136
Jan.	19	11	Notice of hearing (1/30)	440
Jan.	25	15	Landis AM2231 printed	495
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 837. By Landis

Jan.	3	1	Read first time	102
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	19	11	Notice of hearing (2/22)	441
Feb.	26	34	Placed on General File	991

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 838. By Landis

Jan.	3	1	Read first time	102
Jan.	4	2	Referred to Committee on Judiciary	136
Jan.	19	11	Notice of hearing (1/26)	441
Feb.	16	29	Placed on General File	848
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 839. By Landis

Jan.	3	1	Read first time	102
Jan.	4	2	Referred to Committee on Judiciary	136
Jan.	31	19	Notice of hearing (2/27)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 840. By Landis

Jan.	3	1	Read first time	102
Jan.	4	2	Referred to Committee on Education	136
Jan.	9	4	Notice of hearing (1/29)	237
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 841. By Lynch

Jan.	3	1	Read first time	102
Jan.	4	2	Referred to Committee on Revenue	136
Jan.	18	10	Notice of hearing (1/25)	397
Feb.	2	21	Indefinitely postponed	649

LEGISLATIVE BILL 842. By Baack

Jan.	3	1	Read first time	103
Jan.	4	2	Referred to Committee on Natural Resources	136
Jan.	10	5	Notice of hearing (1/18)	254
Jan.	22	12	Placed on General File	459
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 843. By Baack

Jan.	3	1	Read first time	103
Jan.	4	2	Referred to Committee on Education	136
Jan.	9	4	Notice of hearing (1/22)	236
Jan.	26	16	Placed on General File - Com AM2225	515

Feb.	2	21	Withem AM2345 to committee AM2225 printed	651
Feb.	7	24	Baack priority bill	724
Mar.	6	40	Baack AM2840 to committee AM2225 printed	1197
Mar.	8	42	Committee AM2225 adopted as amended by Withem pending AM2345 p. 651 and Baack AM2840 p. 1197. Advanced for Review	1288
Mar.	13	44	Placed on Select File - AM7186	1338
Mar.	22	51	Baack AM3149 printed	1585
Apr.	2	56	AM7186 (E & R) adopted. Baack pending AM3149 p. 1585 withdrawn. Baack AM3234 and AM2989 adopted. Advanced for Engrossment	1793
Apr.	3	57	Correctly Engrossed	1864
Apr.	3	57	ER6294 change	1865
Apr.	5	59	Baack motion to suspend rules prevailed	1975
Apr.	5	59	Final Reading w/E 33-0-16	1977
Apr.	5	59	Speaker signed	1982
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Returned by Governor without approval (4/6)	1993
Apr.	9	60	Baack motion to override veto passed 36-0-13	2045
Apr.	9	60	Communication and Certificate	2059
Apr.	16	AJ	Message from Secretary of State	2088
Apr.	16	AJ	Certificate	2089

LEGISLATIVE BILL 843A. By Baack

Feb.	7	24	Read first time. Placed on General File	703
Mar.	8	42	Advanced for Review	1289
Mar.	13	44	Placed on Select File	1339
Apr.	2	56	Baack AM3165 adopted. Advanced for Engrossment	1795
Apr.	3	57	Correctly Engrossed	1864
Apr.	3	57	ER6295 change	1865
Apr.	5	59	Baack motion to suspend rules prevailed	1975
Apr.	5	59	Final Reading 29-0-20	1979
Apr.	5	59	Speaker signed	1983
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Returned by Governor without approval (4/6)	1993
Apr.	9	60	Baack motion to override veto passed 31-0-18	2046
Apr.	9	60	Communication and Certificate	2059
Apr.	16	AJ	Message from Secretary of State	2088
Apr.	16	AJ	Certificate	2089

LEGISLATIVE BILL 844. By Baack

Jan.	3	1	Read first time	103
Jan.	4	2	Referred to Committee on Revenue	136
Jan.	24	14	Notice of hearing (2/7)	487
Feb.	15	28	Placed on General File	834
Feb.	20	30	Advanced for Review	873
Feb.	23	33	Placed on Select File - AM7163	943
Feb.	28	36	AM7163 (E & R) adopted. Advanced for Engrossment	1043
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 34-0-15	1253
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 845. By Baack

Jan.	3	1	Read first time	103
Jan.	4	2	Referred to Committee on Education	136
Jan.	4	2	Crosby name added	184
Jan.	9	4	Weihing name added	234
Jan.	9	4	Notice of hearing (1/16)	236
Jan.	26	16	Placed on General File - Com AM2253	516
Apr.	9	60	Indefinitely postponed (Amended into LB 143 by AM2255)	2068

LEGISLATIVE BILL 846. By Langford

Jan.	3	1	Read first time	104
Jan.	4	2	Referred to Committee on Judiciary	136
Jan.	31	19	Notice of hearing (2/15)	595
Feb.	16	29	Indefinitely postponed	848

LEGISLATIVE BILL 847. By Langford

Jan.	3	1	Read first time	104
Jan.	4	2	Referred to Committee on Transportation	136
Jan.	8	3	Notice of hearing (1/16)	208
Jan.	18	10	Indefinitely postponed	372

LEGISLATIVE BILL 848. By Moore, Coordsen, R. Johnson

Jan.	3	1	Read first time	104
Jan.	4	2	Referred to Committee on Natural Resources	136

Jan.	10	5	Notice of hearing (1/19)	254
Jan.	23	13	Placed on General File - Com AM2198	467
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 849. By Moore

Jan.	3	1	Read first time	104
Jan.	4	2	Referred to Committee on Agriculture	136
Jan.	31	19	Notice of hearing (2/6)	590
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 850. By Moore

Jan.	3	1	Read first time	104
Jan.	4	2	Referred to Committee on Revenue	136
Jan.	10	5	Notice of hearing (1/17)	272
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 851. By Warner, Wehrbein

Jan.	3	1	Read first time	105
Jan.	4	2	Referred to Committee on Urban Affairs	136
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	19	11	Placed on General File	439
Feb.	7	24	Advanced for Review	711
Feb.	12	25	Placed on Select File	734
Feb.	13	26	Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	21	31	Withem-Landis-Lindsay AM2620 printed	901
Apr.	5	59	Withem et al pending AM2620 p. 901 withdrawn. Hartnett motion to return to Select File for FA463 withdrawn. Final Reading 45-1-3	1931
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 852. By Rogers

Jan.	3	1	Read first time	105
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	18	10	Notice of hearing (1/25)	388
Jan.	26	16	Placed on General File	532
Feb.	7	24	Advanced for Review	715

Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Feb.	27	35	Final Reading 33-0-16	1008
Feb.	27	35	Speaker signed	1017
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 853. By Nelson, Smith

Jan.	3	1	Read first time	105
Jan.	4	2	Referred to Committee on Urban Affairs	136
Jan.	16	8	Notice of hearing (1/23)	344
Feb.	12	25	Placed on General File	754
Feb.	20	30	Advanced for Review	872
Feb.	23	33	Placed on Select File - AM7168	942
Feb.	28	36	AM7168 (E & R) adopted. Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 35-0-14	1254
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 854. By Lindsay, Peterson, Crosby, Dierks, Labedz

Jan.	3	1	Read first time	105
Jan.	4	2	Referred to Committee on Judiciary	136
Jan.	31	19	Notice of hearing (2/7)	594
Feb.	16	29	Schmit priority bill	852
Feb.	27	35	Placed on General File	999
Mar.	27	52	Attorney General's Opinion #90024 to Nelson	1617
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to General File ruled not a reconsideration and lost. Chambers motion to overrule agenda and return to General File lost	1869
Apr.	4	58	Bernard-Stevens motion to overrule agenda and change order lost	1870

Apr.	4	58	McFarland motion to overrule agenda ruled out of order. Landis point of order. McFarland challenge of Chair withdrawn	1871
Apr.	4	58	McFarland motion to suspend rules and vote on General File without amendments or debate withdrawn. McFarland motion to suspend rules and vote on Select File without amendments or debate pending. Bernard-Stevens motion to bracket until 4/9/90 ruled a priority motion. McFarland challenge of Chair ruled out of order. Bernard-Stevens FA459 lost. Bernard-Stevens motion to reconsider vote on FA459 lost. Bernard-Stevens FA460 ruled in order. Lindsay challenge of Chair prevailed. Chambers motion to reconsider vote on Lindsay motion pending	1894
Apr.	4	58	Chambers pending motion p. 1902 lost. Chambers motion to recommit to committee pending. McFarland point of order overruled	1906
Apr.	4	58	Bernard-Stevens FA461 to Chambers pending motion p. 1907 pending	1911
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 855. By R. Johnson

Jan.	3	1	Read first time	105
Jan.	4	2	Referred to Committee on Agriculture	136
Jan.	16	8	Notice of hearing (1/23)	337
Jan.	24	14	Placed on General File	491
Feb.	15	28	Agriculture Committee priority bill	806
Feb.	22	32	Advanced for Review	927
Feb.	23	33	Placed on Select File	944
Mar.	5	39	Advanced for Engrossment	1161
Mar.	8	42	Correctly Engrossed	1289
Apr.	5	59	Final Reading 38-4-7	1932
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Returned by Governor without approval (4/7)	1994
Apr.	9	60	R. Johnson motion to override veto failed 23-21-5	2044

LEGISLATIVE BILL 855A. By R. Johnson

Jan.	30	18	Read first time. Placed on General File	567

Feb.	22	32	Advanced for Review	927
Feb.	23	33	Placed on Select File	944
Mar.	5	39	Advanced for Engrossment	1161
Mar.	8	42	Correctly Engrossed	1289
Apr.	5	59	Final Reading 43-0-6	1933
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Returned by Governor without approval (4/7)	1994

LEGISLATIVE BILL 856. By R. Johnson

Jan.	3	1	Read first time	105
Jan.	4	2	Referred to Committee on Agriculture	136
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	19	11	Placed on General File	429
Feb.	7	24	Advanced for Review	711
Feb.	12	25	Placed on Select File - AM7132	733
Feb.	13	26	AM7132 (E & R) adopted. Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading 41-0-8	913
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 857. By Withem

Jan.	3	1	Read first time	106
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	10	5	Notice of hearing (1/17)	265
Jan.	22	12	Placed on General File	458
Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File - AM7134	734
Feb.	13	26	AM7134 (E & R) adopted. Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading 41-0-8	914
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 858. By Byars

Jan.	3	1	Read first time	106
Jan.	4	2	Referred to Committee on Transportation	136
Jan.	8	3	Notice of hearing (1/16)	208
Jan.	18	10	Placed on General File	371
Feb.	7	24	Advanced for Review	704
Feb.	12	25	Placed on Select File	733
Feb.	13	26	Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	791
Feb.	22	32	Final Reading 40-0-9	914
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 859. By Byars

Jan.	3	1	Read first time	106
Jan.	4	2	Referred to Committee on Transportation	136
Jan.	8	3	Notice of hearing (1/16)	208
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 860. By Byars

Jan.	3	1	Read first time	106
Jan.	4	2	Referred to Committee on Transportation	136
Jan.	19	11	Notice of hearing (1/29)	440
Jan.	30	18	Placed on General File	567
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 861. By Beyer

Jan.	3	1	Read first time	106
Jan.	4	2	Referred to Committee on Revenue	136
Jan.	10	5	Notice of hearing (1/18)	272
Feb.	2	21	Indefinitely postponed	649

LEGISLATIVE BILL 862. By Smith

Jan.	3	1	Read first time	106
Jan.	4	2	Referred to Committee on General Affairs	136
Jan.	12	7	Notice of hearing (1/29)	303
Jan.	31	19	Placed on General File - Com AM2343	584
Feb.	13	26	General Affairs Committee priority bill	781
Feb.	28	36	Lynch AM2728 to committee AM2343 printed	1056
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 863. By Smith

Jan.	3	1	Read first time	107
Jan.	4	2	Referred to Committee on General Affairs	136
Jan.	12	7	Notice of hearing (1/22)	303
Jan.	23	13	Placed on General File	471
Feb.	1	20	General Affairs Committee priority bill	616
Feb.	5	22	Advanced for Review	661
Feb.	7	24	Placed on Select File	687
Feb.	23	33	Advanced for Engrossment	975
Feb.	28	36	Correctly Engrossed	1045
Mar.	7	41	Final Reading w/E 42-0-7	1204
Mar.	7	41	Speaker signed	1208
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 864. By Smith

Jan.	3	1	Read first time	107
Jan.	4	2	Referred to Committee on General Affairs	136
Jan.	12	7	Notice of hearing (1/29)	303
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 865. By Hefner

Jan.	3	1	Read first time	107
Jan.	4	2	Referred to Committee on Business and Labor	136
Jan.	18	10	Notice of hearing (1/29)	372
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 866. By Lamb

Jan.	3	1	Read first time	107
Jan.	4	2	Referred to Committee on Revenue	136
Jan.	24	14	Notice of hearing (2/22)	487
Feb.	15	28	Lamb priority bill	834
Feb.	15	28	Rogers name added	836
Feb.	16	29	Lamb-Haberman-Rogers-Crosby AM2576 printed	848
Mar.	7	41	Placed on General File - Com AM2742 (printed separate)	1249
Mar.	20	49	Withem AM3067 printed	1474
Mar.	21	50	Lamb AM3119 to AM2742 printed	1550
Mar.	28	53	Haberman name added	1681
Apr.	2	56	Lamb motion to overrule agenda lost.	

			Lamb motion to reconsider lost	1786
Apr.	2	56	Moore AM3303 (1) printed	1809
Apr.	2	56	Moore AM3301 (2) printed. Moore AM3306 (3) and AM3310 (4) printed separate	1810
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	3	57	Hall AM3154 printed separate	1850
Apr.	4	58	Chambers motion to overrule agenda and return to General File ruled in order and lost	1869
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 866A. By Lamb

Mar.	27	52	Read first time. Placed on General File	1644
Apr.	2	56	Lamb motion to overrule agenda lost. Lamb motion to reconsider lost	1786
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to General File ruled in order and lost	1869
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 867. By Pirsch

Jan.	3	1	Read first time	107
Jan.	4	2	Referred to Committee on Urban Affairs	137
Jan.	23	13	Notice of hearing (2/13)	464
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 868. By Pirsch

Jan.	3	1	Read first time	107
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	137
Jan.	19	11	Notice of hearing (2/22)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 869. By Wesely, Nelson

Jan.	3	1	Read first time	108
Jan.	4	2	Referred to Committee on Health and Human Services	137
Jan.	10	5	Notice of hearing (1/17)	270
Feb.	12	25	Attorney General's Opinion #90006 to Goodrich	739
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 870. By Wesely

Jan.	3	1	Read first time	108
Jan.	4	2	Referred to Committee on Health and Human Services	137
Jan.	10	5	Notice of hearing (1/18)	270
Mar.	27	52	Attorney General's Opinion #90019 to Wesely	1603
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 871. By Wesely

Jan.	3	1	Read first time	108
Jan.	4	2	Referred to Committee on Health and Human Services	137
Jan.	17	9	Notice of hearing (1/24)	359
Jan.	26	16	Placed on General File	545
Jan.	30	18	Corrected Committee Report - Indefinitely postponed	581

LEGISLATIVE BILL 872. By Peterson

Jan.	3	1	Read first time	108
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	137
Jan.	18	10	Notice of hearing (1/25)	388
Jan.	26	16	Placed on General File	532
Feb.	7	24	Advanced for Review	715
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Feb.	27	35	Final Reading 33-0-16	1009
Feb.	27	35	Speaker signed	1017
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 873. By Peterson

Jan.	3	1	Read first time	108

Jan.	4	2	Referred to Committee on Health and Human Services	137
Jan.	25	15	Notice of hearing (2/16)	500
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 874. By Haberman

Jan.	3	1	Read first time	109
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	137
Jan.	11	6	Notice of hearing (1/18)	281
Jan.	22	12	Placed on General File	458
Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File - AM7135	735
Feb.	13	26	AM7135 (E & R) adopted. Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading w/E 42-0-7	915
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 875. By Haberman

Jan.	3	1	Read first time	109
Jan.	4	2	Referred to Committee on Transportation	137
Jan.	8	3	Notice of hearing (1/16)	208
Jan.	18	10	Placed on General File	371
Feb.	7	24	Advanced for Review	704
Feb.	12	25	Placed on Select File	733
Feb.	13	26	Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	791
Feb.	22	32	Final Reading 39-1-9	916
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 876. By Haberman

Jan.	3	1	Read first time	109
Jan.	4	2	Referred to Committee on Revenue	137
Jan.	24	14	Notice of hearing (1/31)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 877. By Haberman

Jan.	3	1	Read first time	109
Jan.	4	2	Referred to Committee on Revenue	137
Jan.	24	14	Notice of hearing (1/31)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 878. By Haberman

Jan.	3	1	Read first time	109
Jan.	4	2	Referred to Committee on Judiciary	137
Jan.	11	6	Notice of hearing (1/18)	284
Feb.	23	33	Attorney General's Opinion #90012 to Haberman	946
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 879. By Haberman

Jan.	3	1	Read first time	114
Jan.	4	2	Referred to Committee on Transportation	137
Jan.	19	11	Notice of hearing (2/5)	440
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 880. By Chizek, Hall, Ashford, Lindsay, Kristensen

Jan.	3	1	Read first time	115
Jan.	4	2	Referred to Committee on Judiciary	137
Jan.	9	4	Notice of hearing (1/17)	226
Feb.	16	29	Placed on General File	848
Feb.	16	29	Chizek priority bill	850
Mar.	2	38	Advanced for Review	1125
Mar.	5	39	Placed on Select File	1154
Mar.	7	41	Advanced for Engrossment	1248
Mar.	12	43	Kristensen-Warner AM2912 printed separate	1306
Mar.	12	43	Correctly Engrossed	1309
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 37-7-5	1826
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Returned by Governor without approval (4/6)	1989
Apr.	9	60	Lindsay-Chizek motion to override veto failed 25-24-0	2038

LEGISLATIVE BILL 880A. By Chizek

Mar.	2	38	Read first time. Placed on General File	1127
Mar.	6	40	Advanced for Review	1173
Mar.	7	41	Placed on Select File	1236
Mar.	19	48	Advanced for Engrossment	1444
Mar.	21	50	Correctly Engrossed	1548
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 37-3-9	1827
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Returned by Governor without approval (4/6)	1989

LEGISLATIVE BILL 881. By Schellpeper, Coordsen, Moore

Jan.	3	1	Read first time	115
Jan.	4	2	Referred to Committee on Revenue	175
Jan.	10	5	Notice of hearing (1/17)	272
Feb.	2	21	Indefinitely postponed	649

LEGISLATIVE BILL 882. By Robak

Jan.	3	1	Read first time	115
Jan.	4	2	Referred to Committee on Judiciary	175
Jan.	19	11	Notice of hearing (1/26)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 883. By Robak

Jan.	3	1	Read first time	115
Jan.	4	2	Referred to Committee on Judiciary	175
Jan.	24	14	Notice of hearing (1/31)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 884. By Robak

Jan.	3	1	Read first time	115
Jan.	4	2	Referred to Committee on Transportation	175
Jan.	12	7	Notice of hearing (1/22)	317
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 885. By Robak

Jan.	3	1	Read first time	115
Jan.	4	2	Referred to Committee on Judiciary	175
Jan.	11	6	Notice of hearing (1/18)	284
Jan.	29	17	Placed on General File - Com AM2269	556
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 886. By Wesely, Schmit

Jan.	3	1	Read first time	116
Jan.	4	2	Referred to Committee on Judiciary	175
Jan.	31	19	Notice of hearing (2/27)	595
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 1246 by AM2877)	

LEGISLATIVE BILL 887. By Scofield

Jan.	3	1	Read first time	116
Jan.	4	2	Referred to Committee on Transportation	175
Jan.	12	7	Notice of hearing (1/22)	317
Jan.	23	13	Placed on General File	473
Apr.	8	60	Indefinitely postponed	2068
			(Amended into LB 369 by AM2221)	

LEGISLATIVE BILL 888. By Dierks

Jan.	3	1	Read first time	116
Jan.	4	2	Referred to Committee on Health and Human Services	175
Jan.	17	9	Notice of hearing (1/26)	359
Jan.	30	18	Placed on General File	562
Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 42-0-7	1210
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 889. By Dierks, Lindsay, McFarland, Crosby, Labedz

Jan.	3	1	Read first time	116

Jan.	4	2	Referred to Committee on Judiciary	175
Jan.	31	19	Notice of hearing (2/7)	594
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 890. By Hartnett, Withem

Jan.	3	1	Read first time	116
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	175
Jan.	17	9	Notice of hearing (1/24)	358
Jan.	25	15	Placed on General File	513
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 891. By L. Johnson

Jan.	3	1	Read first time	116
Jan.	4	2	Referred to Committee on Transportation	175
Jan.	8	3	Notice of hearing (1/16)	208
Jan.	18	10	Placed on General File	371
Feb.	7	24	Advanced for Review	704
Feb.	12	25	Placed on Select File	733
Feb.	13	26	Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	791
Feb.	22	32	Final Reading 41-0-8	917
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 892. By L. Johnson, Baack, Dierks, Weihing

Jan.	3	1	Read first time	117
Jan.	4	2	Referred to Committee on Natural Resources	175
Jan.	10	5	Notice of hearing (1/18)	254
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 893. By Lynch

Jan.	3	1	Read first time	117
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	175
Jan.	11	6	Notice of hearing (1/18)	281
Jan.	22	12	Placed on General File	458
Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File	735
Feb.	13	26	Advanced for Engrossment	767

Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading 38-5-6	918
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 894. By McFarland

Jan.	3	1	Read first time	117
Jan.	4	2	Referred to Committee on Revenue	175
Jan.	17	9	Notice of hearing (1/24)	358
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 895. By Baack

Jan.	3	1	Read first time	117
Jan.	4	2	Referred to Committee on Education	175
Jan.	4	2	Bernard-Stevens name added	184
Jan.	9	4	Notice of hearing (1/22)	236
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 896. By Withem, Hartnett, Rogers, Lynch

Jan.	3	1	Read first time	117
Jan.	4	2	Referred to Committee on Revenue	175
Jan.	10	5	Notice of hearing (1/18)	272
Jan.	25	15	Placed on General File	499
Feb.	7	24	Advanced for Review	714
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	15	28	ER6247 change	800
Feb.	28	36	Lynch-Withem AM2668 printed	1036
Apr.	5	59	Lynch-Withem pending AM2668 p. 1036 withdrawn. Final Reading 46-0-3	1934
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 896A. By Withem

Feb.	7	24	Read first time. Placed on General File	707
Feb.	15	28	Advanced for Review	820
Feb.	16	29	Placed on Select File	839
Feb.	23	33	Advanced for Engrossment	976

Feb.	28	36	Correctly Engrossed	1045
Apr.	5	59	Final Reading 45-0-4	1935
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Returned by Governor without approval (4/7)	1995

LEGISLATIVE BILL 897. By Scofield, Wehrbein, L. Johnson, Barrett, Baack, Langford

Jan.	3	1	Read first time	118
Jan.	4	2	Referred to Committee on Appropriations	176
Jan.	4	2	Bernard-Stevens name added	184
Jan.	18	10	Notice of hearing (1/26)	397
Mar.	27	52	Attorney General's Opinion #90020 to Lamb	1605
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 898. By Scofield, Weihing, Ashford, Baack

Jan.	3	1	Read first time	118
Jan.	4	2	Referred to Committee on Appropriations	176
Jan.	25	15	Notice of hearing (2/5)	512
Mar.	2	38	Placed on General File	1134
Mar.	15	46	Pending	1391
Mar.	16	47	Advanced for Review	1395
Mar.	19	48	Placed on Select File - AM7191	1439
Mar.	21	51	AM7191 (E & R) adopted. Schmit AM3037 and Scofield FA416 adopted. Advanced for Engrossment	1574
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6279 change	1599
Mar.	29	54	Barrett motion to suspend rules prevailed	1683
Mar.	29	54	Final Reading w/E 38-3-8	1689
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1920
Apr.	9	60	Scofield-Schmit motion to override veto failed 18-21-10	2051

LEGISLATIVE BILL 899. By Scofield, Weihing, Baack

Jan.	3	1	Read first time	118
Jan.	4	2	Referred to Committee on Appropriations	176
Jan.	25	15	Notice of hearing (2/5)	512
Feb.	20	30	Speaker Barrett priority bill	867
Mar.	2	38	Placed on General File - Com AM2699	1134

Mar.	16	47	Committee AM2699 adopted. Advanced for Review	1395
Mar.	19	48	Placed on Select File - AM7192	1440
Mar.	21	50	AM7192 (E & R) adopted. Advanced for Engrossment	1569
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6276 change	1600
Mar.	29	54	Barrett motion to suspend rules prevailed	1683
Mar.	29	54	Final Reading w/E 41-2-6	1690
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 900. By Wesely, Smith

Jan.	3	1	Read first time	118
Jan.	4	2	Referred to Committee on Health and Human Services	176
Jan.	10	5	Notice of hearing (1/17)	270
Jan.	19	11	Placed on General File	439
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 900A. By Wesely, Smith

Jan.	29	17	Read first time. Placed on General File	558
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 901. By Hall

Jan.	3	1	Read first time	118
Jan.	4	2	Referred to Committee on Business and Labor	176
Jan.	18	10	Notice of hearing (2/5)	372
Feb.	7	24	Placed on General File	688
Feb.	7	24	Chambers name added	724
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 901A. By Hall

Feb.	14	27	Read first time. Placed on General File	796
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 902. By Hall

Jan.	3	1	Read first time	118
Jan.	4	2	Referred to Committee on Transportation	176
Jan.	12	7	Notice of hearing (1/22)	317
Jan.	23	13	Placed on General File	473
Feb.	7	24	Advanced for Review	713
Feb.	12	25	Placed on Select File	737
Mar.	29	54	Haberman name added	1739
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 902A. By Hall

Feb.	2	21	Read first time. Placed on General File	656
Feb.	15	28	Advanced for Review	821
Feb.	16	29	Placed on Select File	839
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 903. By Hall

Jan.	3	1	Read first time	119
Jan.	4	2	Referred to Committee on Nebraska Retirement Systems	176
Jan.	22	12	Notice of hearing (2/12)	453
Feb.	15	28	Placed on General File	829
Feb.	20	30	Advanced for Review	873
Feb.	23	33	Placed on Select File - AM7165	943
Feb.	28	36	AM7165 (E & R) adopted. Advanced for Engrossment	1043
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 37-0-12	1255
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 904. By Hartnett

Jan.	3	1	Read first time	119
Jan.	4	2	Referred to Committee on Judiciary	176
Jan.	31	19	Notice of hearing (2/14)	594
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 905. By L. Johnson, Haberman, R. Johnson, Morrissey, Scofield, Coordsen, Withem, Smith, Warner, Labedz, Moore, Conway, Elmer, Byars, Kristensen, Lynch, Wehrbein, Barrett, Schellpeper, Korshoj

Jan.	3	1	Read first time	119
Jan.	4	2	Referred to Committee on Appropriations	176
Jan.	4	2	Bernard-Stevens name added	184
Jan.	18	10	Notice of hearing (1/26)	397
Feb.	15	28	Byars priority bill	834
Mar.	2	38	Placed on General File - Com AM2672	1136
Apr.	9	60	Indefinitely postponed (Amended into LB 920 by AM3111)	2068

LEGISLATIVE BILL 905A. By L. Johnson, Byars, Scofield

Mar.	12	43	Read first time. Placed on General File	1307
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 906. By Natural Resources Committee

Jan.	3	1	Read first time	119
Jan.	4	2	Referred to Committee on Natural Resources	176
Jan.	10	5	Notice of hearing (1/17)	253
Jan.	18	10	Placed on General File	372
Feb.	7	24	Advanced for Review	705
Feb.	12	25	Placed on Select File	733
Feb.	13	26	Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	791
Feb.	22	32	Final Reading 43-0-6	919
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 907. By Natural Resources Committee

Jan.	3	1	Read first time	119
Jan.	4	2	Referred to Committee on Natural Resources	176
Jan.	10	5	Notice of hearing (1/17)	253
Jan.	18	10	Placed on General File	372
Feb.	7	24	Advanced for Review	705
Feb.	12	25	Placed on Select File - AM7128	733
Feb.	13	26	AM7128 (E & R) adopted. Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	791
Feb.	22	32	Final Reading 43-0-6	919
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 908. By Abboud

Jan.	3	1	Read first time	120
Jan.	4	2	Referred to Committee on Urban Affairs	176
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	25	15	Placed on General File	513
Mar.	12	43	Attorney General's Opinion #90018 to Hartnett and Urban Affairs Committee	1296
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 909. By Hall, Withem, Schmit

Jan.	3	1	Read first time	120
Jan.	4	2	Referred to Committee on Revenue	176
Jan.	17	9	Notice of hearing (1/25)	358
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 910. By Beyer, Lamb

Jan.	3	1	Read first time	120
Jan.	4	2	Referred to Committee on Transportation	176
Jan.	8	3	Notice of hearing (1/16)	208
Jan.	18	10	Placed on General File - Com AM2148	371
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 369 by FA387)	

LEGISLATIVE BILL 910A. By Beyer

Feb.	7	24	Read first time. Placed on General File	703
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 911. By Weihing, Scofield, Baack

Jan.	3	1	Read first time	120
Jan.	4	2	Referred to Committee on Education	176
Jan.	9	4	Notice of hearing (1/30)	237
Jan.	19	11	Notice of hearing (Time change)	434
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 912. By Weihing

Jan.	3	1	Read first time	121
Jan.	4	2	Referred to Committee on Urban Affairs	176
Jan.	23	13	Notice of hearing (2/13)	464

Feb.	16	29	Indefinitely postponed	848

LEGISLATIVE BILL 913. By Weihing, Hefner

Jan.	3	1	Read first time	121
Jan.	4	2	Referred to Committee on Education	176
Jan.	9	4	Notice of hearing (1/23)	237
Feb.	13	26	Indefinitely postponed	773

LEGISLATIVE BILL 914. By Weihing, Hefner

Jan.	3	1	Read first time	121
Jan.	4	2	Referred to Committee on Transportation	176
Jan.	12	7	Notice of hearing (1/23)	317
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 915. By Wesely, Smith, Crosby, Byars

Jan.	3	1	Read first time	121
Jan.	4	2	Referred to Committee on Health and Human Services	176
Jan.	10	5	Notice of hearing (1/17)	270
Jan.	19	11	Placed on General File	439
Jan.	30	18	Nelson name added	582
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 915A. By Wesely, Smith

Jan.	29	17	Read first time. Placed on General File	559
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 916. By Wesely, Lynch

Jan.	3	1	Read first time	121
Jan.	4	2	Referred to Committee on Business and Labor	176
Jan.	18	10	Notice of hearing (1/29)	372
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 917. By Wesely, Lynch

Jan.	3	1	Read first time	122
Jan.	4	2	Referred to Committee on Health and Human Services	176
Jan.	17	9	Notice of hearing (1/25)	359
Jan.	30	18	Placed on General File	562

Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File - AM7153	907
Feb.	28	36	AM7153 (E & R) adopted. Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 41-0-8	1211
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 918. By Hannibal, Abboud, Hartnett, Chizek, Lynch, Beyer, Pirsch, Goodrich, Nelson, Ashford, Hall

Jan.	3	1	Read first time	122
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	176
Jan.	10	5	Notice of hearing (1/17)	265
Jan.	22	12	Placed on General File	458
Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File - AM7142	735
Feb.	13	26	AM7142 (E & R) adopted. Advanced for Engrossment	767
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading w/E 35-0-14	1010
Feb.	27	35	Speaker signed	1017
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 919. By Wehrbein

Jan.	3	1	Read first time	122
Jan.	4	2	Referred to Committee on Revenue	176
Jan.	24	14	Notice of hearing (2/7)	487
Feb.	15	28	Placed on General File	834
Feb.	20	30	Advanced for Review	873
Feb.	23	33	Placed on Select File - AM7164	943
Feb.	28	36	AM7164 (E & R) adopted. Advanced for Engrossment	1043
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 38-0-11	1255
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 920. By Warner

Jan.	3	1	Read first time	122
Jan.	4	2	Referred to Committee on Appropriations	176
Jan.	25	15	Notice of hearing (2/5)	512
Mar.	2	38	Placed on General File	1131
Mar.	15	46	Advanced for Review	1388
Mar.	19	48	Placed on Select File	1439
Mar.	21	50	L. Johnson-Byars AM3111 printed	1569
Mar.	22	51	L. Johnson-Byars pending AM3111 p. 1569 adopted. Advanced for Engrossment	1573
Mar.	22	51	Kristensen explanation of vote	1577
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6280 change	1600
Apr.	5	59	Final Reading 40-4-5	1955
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor with line-item veto (4/7)	1996
Apr.	9	60	Byars-L. Johnson motion to override line-item veto failed 12-27-10	2053
Apr.	16	AJ	Communication	2074
Apr.	16	AJ	Message from Secretary of State	2102
Apr.	16	AJ	Certificate	2103

LEGISLATIVE BILL 921. By Warner, Kristensen

Jan.	3	1	Read first time	122
Jan.	4	2	Referred to Committee on Judiciary	176
Jan.	11	6	Notice of hearing (1/18)	284
Jan.	29	17	Placed on General File	553
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 922. By Elmer, Morrissey, Haberman, Baack

Jan.	3	1	Read first time	123
Jan.	4	2	Referred to Committee on Natural Resources	176
Jan.	10	5	Notice of hearing (1/19)	254
Feb.	6	23	Placed on General File - Com AM2407	678
Feb.	6	23	Elmer priority bill	680
Feb.	12	25	Committee AM2407 adopted. Advanced for Review	748
Feb.	13	26	Placed on Select File - AM7144	766
Feb.	23	33	AM7144 (E & R) adopted. Advanced for Engrossment	976
Feb.	28	36	Correctly Engrossed	1045

Mar.	7	41	Final Reading 42-0-7	1205
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 923. By Health and Human Services Committee and Robak, Hannibal, Nelson, Chizek

Jan.	3	1	Read first time	130
Jan.	4	2	Referred to Committee on Health and Human Services	176
Jan.	10	5	Notice of hearing (1/17)	270
Feb.	1	20	Placed on General File - Com AM2371	625
Feb.	13	26	Health and Human Services Committee priority bill	781
Feb.	16	29	Committee AM2371 adopted. Advanced for Review	843
Feb.	20	30	Placed on Select File - AM7147	860
Feb.	22	32	Crosby AM2628 printed	908
Feb.	23	33	Hannibal AM2652 printed	976
Feb.	27	35	Wesely AM2532 to committee AM2371 printed	1003
Feb.	27	35	Lynch AM2693 to committee AM2371 printed	1005
Mar.	5	39	AM7147 (E & R) adopted. Crosby pending AM2628 p. 908, Hannibal pending AM2652 p. 976, and Wesely pending AM2532 p. 1003 withdrawn. Wesely AM2825 lost. Pending	1158
Mar.	5	39	Wesely motion to reconsider action on AM2825 laid over	1168
Mar.	7	41	Wesely pending motion p. 1168 prevailed. Wesely pending AM2825 p. 1158 adopted as amended by Hannibal AM2882. Lynch pending AM2693 p. 1005 and Beck AM2692 adopted. Beck AM2316 withdrawn. Beck AM2315 pending	1223
Mar.	7	41	Beck pending AM2315 p. 1224 withdrawn. Advanced for Engrossment	1236
Mar.	12	43	Correctly Engrossed	1309
Mar.	12	43	ER6264 change	1311
Mar.	27	52	Beck name added	1653
Apr.	5	59	Final Reading w/E 46-0-3	1935
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 923A. By Wesely

Feb.	23	33	Read first time. Placed on General File	976
Mar.	6	40	Advanced for Review	1173
Mar.	7	41	Placed on Select File	1236
Mar.	22	51	Wesely motion to indefinitely postpone prevailed	1590

LEGISLATIVE BILL 924. By Lamb

Jan.	3	1	Read first time	130
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	176
Jan.	17	9	Notice of hearing (1/24)	358
Jan.	25	15	Placed on General File	513
Feb.	7	24	Advanced for Review	714
Feb.	12	25	Placed on Select File - AM7140	738
Feb.	13	26	AM7140 (E & R) adopted. Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading 36-0-13	1011
Feb.	27	35	Speaker signed	1017
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 925. By Moore

Jan.	3	1	Read first time	130
Jan.	4	2	Referred to Committee on Health and Human Services	176
Jan.	25	15	Notice of hearing (2/14)	500
Feb.	2	21	Moore AM2379 printed	651
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 926. By Lamb, Scofield, Dierks, Baack, Bernard-Stevens

Jan.	3	1	Read first time	130
Jan.	4	2	Referred to Committee on Judiciary	176
Jan.	24	14	Notice of hearing (2/1)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 927. By Abboud, Beck

Jan.	3	1	Read first time	131

Jan. 4 2 Referred to Committee on Judiciary 176
Jan. 31 19 Notice of hearing (2/15) 595
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 928. By Abboud, Beck

Jan. 3 1 Read first time 131
Jan. 4 2 Referred to Committee on Judiciary 176
Jan. 31 19 Notice of hearing (2/14) 594
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 929. By Abboud, Beck, Crosby, Peterson

Jan. 3 1 Read first time 131
Jan. 4 2 Referred to Committee on Revenue 176
Jan. 24 14 Notice of hearing (2/22) 487
Apr. 9 60 Indefinitely postponed 2068

LEGISLATIVE BILL 930. By Government, Military and Veterans Affairs Committee

Jan. 3 1 Read first time 131
Jan. 4 2 Referred to Committee on Government,
Military and Veterans Affairs 176
Jan. 10 5 Notice of hearing (1/17) 265
Jan. 22 12 Placed on General File 459
Feb. 7 24 Advanced for Review 713
Feb. 12 25 Placed on Select File - AM7138 737
Feb. 13 26 AM7138 (E & R) adopted.
Advanced for Engrossment 767
Feb. 15 28 Correctly Engrossed 799
Feb. 15 28 ER6246 change 800
Feb. 27 35 Final Reading 37-1-11 1012
Feb. 27 35 Speaker signed 1017
Feb. 27 35 Presented to Governor (2/27) 1031
Mar. 2 38 Approved by Governor (3/2) 1127

LEGISLATIVE BILL 931. By Government, Military and Veterans Affairs Committee

Jan. 3 1 Read first time 132
Jan. 4 2 Referred to Committee on Government,
Military and Veterans Affairs 176
Jan. 19 11 Notice of hearing (2/2) 441
Feb. 16 29 Government, Military and Veterans

			Affairs Committee priority bill	843
Feb.	23	33	Placed on General File - Com AM2642	962
Mar.	16	47	Committee AM2642 adopted as amended by Coordsen AM2983. Advanced for Review	1397
Mar.	20	49	Placed on Select File - AM7197	1470
Mar.	22	51	Baack AM3152 to AM2642 printed	1586
Mar.	22	51	AM7197 (E & R) adopted. Advanced for Engrossment	1591
Mar.	27	52	Baack AM3176 (1) printed	1634
Mar.	27	52	Baack AM3174 (2) printed	1635
Mar.	27	52	Baack AM3175 (3) printed	1636
Mar.	27	52	Correctly Engrossed. ER6289 change	1648
Apr.	5	59	Baack pending AM3152 p. 1586, AM3176 p. 1634, AM3174 p. 1635, and AM3175 p. 1636 withdrawn. Final Reading 42-0-7	1956
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	16	AJ	Became law without Governor's signature (4/12)	2070
Apr.	16	AJ	Message from Secretary of State	2109
Apr.	16	AJ	Certificate	2110

LEGISLATIVE BILL 932. By Scofield, Bernard-Stevens

Jan.	3	1	Read first time	132
Jan.	4	2	Referred to Committee on Revenue	176
Jan.	17	9	Notice of hearing (1/25)	358
Feb.	2	21	Placed on General File	648
Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1042
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 43-0-6	1212
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 933. By Ashford, Abboud, Baack, Beck, Bernard-Stevens, Beyer, Byars, Chizek, Conway, Crosby, Dierks, Goodrich, Hall, Hannibal, Hartnett, L. Johnson, R. Johnson, Korshoj, Kristensen, Lamb, Landis, Langford, Lindsay, Lynch, McFarland, Moore, Morrissey, Nelson, Pirsch, Robak, Schellpeper, Schimek, Scofield, Smith, Weihing, Withem

Jan.	3	1	Read first time	132
Jan.	4	2	Referred to Committee on Government,	

			Military and Veterans Affairs	176
Jan.	10	5	Notice of hearing (1/17)	265
Jan.	22	12	Placed on General File	459
Apr.	9	60	Indefinitely postponed (Amended into LB 164 by AM2405)	2068

LEGISLATIVE BILL 934. By Beck, Hartnett, Abboud

Jan.	3	1	Read first time	133
Jan.	4	2	Referred to Committee on Transportation	176
Jan.	12	7	Notice of hearing (1/22)	317
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 935. By Elmer

Jan.	3	1	Read first time	133
Jan.	4	2	Referred to Committee on Education	176
Jan.	9	4	Notice of hearing (1/16)	236
Jan.	23	13	Indefinitely postponed	472

LEGISLATIVE BILL 936. By Elmer

Jan.	3	1	Read first time	133
Jan.	4	2	Referred to Committee on General Affairs	176
Jan.	12	7	Notice of hearing (1/29)	303
Jan.	31	19	Placed on General File - Com AM2342	588
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 937. By Conway

Jan.	3	1	Read first time	133
Jan.	4	2	Referred to Committee on Transportation	176
Jan.	12	7	Notice of hearing (1/22)	317
Feb.	15	28	Placed on General File - Com AM2547	824
Apr.	9	60	Indefinitely postponed (Amended into LB 369 by AM2470)	2068

LEGISLATIVE BILL 938. By Conway

Jan.	3	1	Read first time	133
Jan.	4	2	Referred to Committee on Banking, Commerce and Insurance	176
Jan.	12	7	Notice of hearing (1/23)	312
Jan.	24	14	Placed on General File	491
Feb.	20	30	Advanced for Review	870

Feb.	22	32	Placed on Select File	906
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 42-0-7	1213
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 939. By Kristensen

Jan.	4	2	Read first time	138
Jan.	4	2	Referred to Committee on Revenue	176
Jan.	24	14	Notice of hearing (1/31)	487
Feb.	20	30	Placed on General File - Com AM2622	874
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 940. By Lindsay

Jan.	4	2	Read first time	138
Jan.	4	2	Referred to Committee on Natural Resources	176
Jan.	10	5	Notice of hearing (1/18)	254
Jan.	22	12	Placed on General File	459
Feb.	7	24	Advanced for Review	713
Feb.	12	25	Placed on Select File - AM7137	737
Feb.	13	26	AM7137 (E & R) adopted. Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading 38-0-11	1013
Feb.	27	35	Speaker signed	1017
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 941. By Kristensen

Jan.	4	2	Read first time	139
Jan.	4	2	Referred to Committee on Natural Resources	177
Jan.	10	5	Notice of hearing (1/18)	254
Jan.	22	12	Placed on General File	459
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 942. By Kristensen

Jan.	4	2	Read first time	139
Jan.	4	2	Referred to Committee on Judiciary	177

Jan.	9	4	Notice of hearing (1/17)	226
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 943. By Lynch

Jan.	4	2	Read first time	140
Jan.	4	2	Referred to Committee on Urban Affairs	177
Jan.	8	3	Pirsch name added	212
Jan.	23	13	Notice of hearing (1/30)	464
Feb.	13	26	Indefinitely postponed	780

LEGISLATIVE BILL 944. By Lynch

Jan.	4	2	Read first time	140
Jan.	4	2	Referred to Committee on Urban Affairs	177
Jan.	23	13	Notice of hearing (1/30)	464
Feb.	12	25	Placed on General File - Com AM2472	754
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 945. By Lynch

Jan.	4	2	Read first time	140
Jan.	4	2	Referred to Committee on Urban Affairs	177
Jan.	8	3	Pirsch name added	212
Jan.	23	13	Notice of hearing (1/30)	464
Feb.	27	35	Indefinitely postponed	999

LEGISLATIVE BILL 946. By Lynch

Jan.	4	2	Read first time	140
Jan.	4	2	Referred to Committee on Health and Human Services	177
Jan.	17	9	Notice of hearing (1/25)	359
Jan.	30	18	Placed on General File	562
Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 947. By Lynch

Jan.	4	2	Read first time	140
Jan.	4	2	Referred to Committee on General Affairs	177

Jan.	23	13	Notice of hearing (2/5)	472
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 948. By Coordsen, Haberman

Jan.	4	2	Read first time	141
Jan.	4	2	Referred to Committee on Health and Human Services	177
Jan.	25	15	Notice of hearing (2/7)	500
Feb.	23	33	Indefinitely postponed (Amended into LB 1080 by AM2800)	974

LEGISLATIVE BILL 949. By Coordsen, Haberman

Jan.	4	2	Read first time	141
Jan.	4	2	Referred to Committee on Health and Human Services	177
Jan.	25	15	Notice of hearing (2/7)	500
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 950. By Langford

Jan.	4	2	Read first time	141
Jan.	4	2	Referred to Committee on Natural Resources	177
Jan.	10	5	Notice of hearing (1/19)	254
Feb.	6	23	Indefinitely postponed	679

LEGISLATIVE BILL 951. By Robak

Jan.	4	2	Read first time	141
Jan.	4	2	Referred to Committee on Judiciary	177
Jan.	24	14	Notice of hearing (2/2)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 952. By Haberman

Jan.	4	2	Read first time	141
Jan.	4	2	Referred to Committee on Revenue	177
Jan.	10	5	Notice of hearing (1/17)	272
Feb.	2	21	Placed on General File - Com AM2366	648
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 953. By Haberman

Jan.	4	2	Read first time	142

Jan. 4	2	Referred to Committee on Nebraska Retirement Systems	177
Jan. 4	2	Bernard-Stevens name added	184
Jan. 10	5	Notice of hearing (1/17)	265
Jan. 18	10	Placed on General File	397
Feb. 1	20	Nebraska Retirement Systems Committee priority bill	616
Feb. 6	23	Advanced for Review	676
Feb. 7	24	Placed on Select File - AM7126	716
Mar. 5	39	AM7126 (E & R) adopted. Nelson FA393 lost. Schellpeper AM2814 adopted. Advanced for Engrossment	1148
Mar. 8	42	Correctly Engrossed	1289
Mar. 8	42	ER6263 change	1290
Mar. 12	43	Haberman AM2919 printed	1303
Mar. 19	48	Returned to Select File for Haberman amendment. Haberman pending AM2919 p. 1303 adopted. Advanced for Re-Engrossment	1412
Mar. 20	49	Correctly Re-Engrossed. ER6273 change	1523
Apr. 5	59	Final Reading 36-1-12	1946
Apr. 5	59	President signed	1959
Apr. 5	59	Presented to Governor (4/5)	1965
Apr. 9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 953A. By Haberman

Jan. 24	14	Read first time. Placed on General File	489
Feb. 6	23	Advanced for Review	677
Feb. 7	24	Placed on Select File	717
Mar. 5	39	Advanced for Engrossment	1149
Mar. 5	39	Landis AM2841 printed	1162
Mar. 8	42	Correctly Engrossed	1289
Apr. 3	57	Hartnett AM3335 printed	1850
Apr. 9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 954. By Abboud

Jan. 4	2	Read first time	142
Jan. 4	2	Referred to Committee on Health and Human Services	177
Jan. 17	9	Notice of hearing (1/25)	359
Jan. 30	18	Placed on General File	562
Feb. 20	30	Advanced for Review	871
Feb. 22	32	Placed on Select File	907
Feb. 28	36	Advanced for Engrossment	1041

Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 44-0-5	1213
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 955. By Warner

Jan.	4	2	Read first time	142
Jan.	4	2	Referred to Committee on Appropriations	177
Jan.	25	15	Notice of hearing (2/7)	512
Mar.	5	39	Placed on General File	1168
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 956. By Landis

Jan.	4	2	Read first time	142
Jan.	4	2	Referred to Committee on Banking, Commerce and Insurance	177
Jan.	12	7	Notice of hearing (1/23)	312
Jan.	25	15	Placed on General File - Com AM2227 (printed separate)	494
Jan.	29	17	Banking, Commerce and Insurance Committee priority bill	547
Jan.	30	18	Committee AM2227 p. 494 adopted. Advanced for Review	566
Jan.	30	18	Conway FA347 printed	569
Feb.	1	20	Placed on Select File - AM7117	619
Feb.	2	21	Wesely-Schmit AM2384 printed	652
Feb.	23	33	AM7117 (E & R) adopted. Conway pending FA347 p. 569 and Wesely-Schmit pending AM2384 p. 652 withdrawn. Advanced for Engrossment	974
Feb.	26	34	Correctly Engrossed. ER6250 change	985
Mar.	7	41	Final Reading w/E 42-0-7	1202
Mar.	7	41	Speaker signed	1208
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 957. By Coordsen, Abboud

Jan.	4	2	Read first time	142
Jan.	4	2	Referred to Committee on Urban Affairs	177
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	19	11	Placed on General File	439

Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File - AM7133	734
Feb.	13	26	AM7133 (E & R) adopted. Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading 44-0-5	920
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 958. By Ashford

Jan.	4	2	Read first time	143
Jan.	8	3	Referred to Committee on Transportation	200
Jan.	19	11	Notice of hearing (1/30)	440
Feb.	7	24	Placed on General File - Com AM2427	723
Feb.	16	29	Beck priority bill	850
Mar.	12	43	Beck name added	1321
Mar.	16	47	Committee AM2427 adopted. Advanced for Review	1402
Mar.	21	50	Placed on Select File	1548
Apr.	3	57	Advanced for Engrossment	1854
Apr.	3	57	Correctly Engrossed	1864
Apr.	3	57	ER6296 change	1866
Apr.	5	59	Baack motion to suspend rules prevailed	1975
Apr.	5	59	Final Reading 31-1-17	1979
Apr.	5	59	Speaker signed	1983
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 959. By Ashford

Jan.	4	2	Read first time	143
Jan.	8	3	Referred to Committee on Nebraska Retirement Systems	200
Jan.	22	12	Notice of hearing (2/12)	453
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 960. By Withem

Jan.	4	2	Read first time	143
Jan.	8	3	Referred to Committee on Education	200
Jan.	9	4	Notice of hearing (1/22)	236
Jan.	23	13	Placed on General File	472
Feb.	14	27	Education Committee priority bill	797

Feb.	21	31	Advanced for Review	899
Feb.	23	33	Placed on Select File - AM7167	944
Mar.	7	41	AM7167 (E & R) adopted. Withem AM2881 adopted. Advanced for Engrossment	1242
Mar.	12	43	Correctly Engrossed	1309
Mar.	12	43	ER6266 change	1311
Mar.	30	55	Lamb AM3237 printed	1763
Mar.	30	55	Lamb AM3238 printed	1764
Apr.	5	59	Lamb motion to return to Select File for pending AM3237 p. 1763 withdrawn. Lamb pending AM3228 p. 1764 withdrawn. Withem motion to return to Select File for FA464 withdrawn. Final Reading w/E 36-2-11	1937
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 960A. By Withem

Jan.	26	16	Read first time. Placed on General File	536
Feb.	21	31	Advanced for Review	899
Feb.	23	33	Placed on Select File	944
Mar.	7	41	Advanced for Engrossment	1243
Mar.	8	42	Returned to Select File for Withem amendment. Withem AM2909 adopted. Advanced for Re-Engrossment	1269
Mar.	12	43	Correctly Engrossed	1309
Apr.	5	59	Final Reading w/E 41-0-8	1938
Apr.	5	59	Speaker signed	1940
Apr.	5	59	Presented to Governor (4/5)	1943
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 961. By Conway, Baack

Jan.	4	2	Read first time	143
Jan.	8	3	Referred to Committee on Revenue	200
Jan.	24	14	Notice of hearing (2/7)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 962. By McFarland

Jan.	4	2	Read first time	143
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	200

Jan.	12	7	Notice of hearing (1/19)	317
Jan.	25	15	Placed on General File	513
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 962A. By McFarland

Jan.	31	19	Read first time. Placed on General File	600
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 963. By McFarland

Jan.	4	2	Read first time	143
Jan.	8	3	Referred to Committee on Education	200
Jan.	19	11	Notice of hearing (2/5)	434
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 964. By Urban Affairs Committee

Jan.	4	2	Read first time	144
Jan.	8	3	Referred to Committee on Urban Affairs	200
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	19	11	Placed on General File	439
Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File	734
Feb.	13	26	Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading 42-0-7	921
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 965. By Conway, Robak, Lamb

Jan.	4	2	Read first time	144
Jan.	8	3	Referred to Committee on Revenue	200
Jan.	10	5	Notice of hearing (1/17)	272
Jan.	25	15	Placed on General File	499
Feb.	7	24	Advanced for Review	714
Feb.	12	25	Placed on Select File	738
Feb.	14	27	Crosby priority bill	797
Feb.	22	32	Conway AM2453 printed separate	931
Mar.	5	39	Conway pending AM2453 p. 931 and FA394 adopted. Advanced for Engrossment	1156
Mar.	8	42	Correctly Engrossed	1289
Mar.	8	42	ER6260 change	1291

Mar.	19	48	Final Reading w/E 45-0-4	1413
Mar.	19	48	President signed	1428
Mar.	19	48	Presented to Governor (3/19)	1435
Mar.	21	50	Approved by Governor (3/21)	1549

LEGISLATIVE BILL 966. By Wehrbein

Jan.	4	2	Read first time	144
Jan.	8	3	Referred to Committee on Urban Affairs	200
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	19	11	Placed on General File	439
Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File - AM7130	734
Feb.	13	26	AM7130 (E & R) adopted. Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading 45-0-4	922
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 967. By Schimek, Hefner, Hartnett, Smith, McFarland

Jan.	4	2	Read first time	144
Jan.	8	3	Referred to Committee on Judiciary	200
Jan.	31	19	Notice of hearing (2/14)	594
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 968. By Morrissey

Jan.	4	2	Read first time	144
Jan.	8	3	Referred to Committee on Urban Affairs	200
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	19	11	Placed on General File	439
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 969. By Korshoj

Jan.	4	2	Read first time	150
Jan.	8	3	Referred to Committee on Natural Resources	200
Jan.	17	9	Notice of hearing (1/24)	365
Jan.	25	15	Placed on General File	499
Feb.	7	24	Advanced for Review	713
Feb.	12	25	Placed on Select File	738

Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading 39-0-10	1013
Feb.	27	35	Speaker signed	1017
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 970. By Schimek

Jan.	4	2	Read first time	150
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	200
Jan.	11	6	Notice of hearing (1/18)	281
Jan.	22	12	Placed on General File	459
Feb.	7	24	Advanced for Review	713
Feb.	12	25	Placed on Select File	737
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading w/E 39-0-10	1014
Feb.	27	35	Speaker signed	1017
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 971. By R. Johnson

Jan.	4	2	Read first time	151
Jan.	8	3	Referred to Committee on Judiciary	200
Jan.	18	10	Notice of hearing (1/25)	397
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 972. By R. Johnson

Jan.	4	2	Read first time	151
Jan.	8	3	Referred to Committee on Agriculture	200
Jan.	9	4	Wehrbein name added	234
Jan.	16	8	Notice of hearing (1/30)	337
Jan.	31	19	Placed on General File	584
Feb.	15	28	Agriculture Committee priority bill	806
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 973. By R. Johnson

Jan.	4	2	Read first time	151
Jan.	8	3	Referred to Committee on Natural Resources	200
Jan.	9	4	Wehrbein name added	234

Jan.	18	10	Notice of hearing (1/25)	373
Jan.	31	19	Placed on General File - Com AM2355	594
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 974. By Business and Labor Committee

Jan.	4	2	Read first time	151
Jan.	8	3	Referred to Committee on Business and Labor	200
Jan.	10	5	Notice of hearing (1/22)	265
Jan.	24	14	Placed on General File	487
Feb.	7	24	Advanced for Review	713
Feb.	12	25	Placed on Select File - AM7141	737
Feb.	13	26	AM7141 (E & R) adopted. Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading 38-0-11	1015
Feb.	27	35	Speaker signed	1021
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 975. By Business and Labor Committee

Jan.	4	2	Read first time	151
Jan.	8	3	Referred to Committee on Business and Labor	200
Jan.	10	5	Notice of hearing (1/22)	265
Jan.	24	14	Placed on General File - Com AM2223	488
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 976. By Pirsch, Beck, Langford, Peterson

Jan.	4	2	Read first time	151
Jan.	8	3	Referred to Committee on Judiciary	200
Jan.	22	12	Pirsch priority bill	443
Jan.	31	19	Notice of hearing (2/14)	595
Feb.	13	26	L. Johnson name added	782
Feb.	27	35	Placed on General File	999
Mar.	7	41	Langford AM2806 printed	1240
Mar.	7	41	Pirsch AM2843 and AM2844 printed	1248
Mar.	13	44	L. Johnson-Peterson-Pirsch-Beck AM2799 printed	1345
Mar.	28	53	Chambers request for division of question on Pirsch pending AM2843 p. 1248 pending	1660
Mar.	28	53	Chambers pending request for division of question p. 1660 sustained. Pirsch FA427 (1st) pending	1664

Mar.	28	53	Pirsch pending FA427 p. 1664 and remaining divided amendment withdrawn. Pirsch pending AM2844 p. 1248 withdrawn. Chambers FA428 to AM2799 lost. Landis AM3205 to AM2799 adopted	1666
Mar.	29	54	Bernard-Stevens motion to reconsider Landis AM3205 prevailed. Chambers FA437 to AM2799 adopted. Chambers FA438 withdrawn	1728
Mar.	29	54	Chambers FA439 and FA440 lost. Pending	1733
Mar.	29	54	Chambers motion to bracket until 4/10/90 withdrawn	1742
Mar.	30	55	Abboud AM3204 printed	1773
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to General File ruled not in order and lost	1869
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 977. By Pirsch, Langford

Jan.	4	2	Read first time	152
Jan.	8	3	Referred to Committee on Judiciary	200
Jan.	31	19	Notice of hearing (2/15)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 978. By Pirsch

Jan.	4	2	Read first time	152
Jan.	8	3	Referred to Committee on Judiciary	200
Jan.	17	9	Notice of hearing (1/24)	358
Jan.	29	17	Placed on General File	553
Feb.	20	30	Advanced for Review	870
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 43-0-6	1214
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 979. By Transportation Committee

Jan.	4	2	Read first time	152
Jan.	8	3	Referred to Committee on Transportation	200
Jan.	12	7	Notice of hearing (1/23)	317
Apr.	9	60	Indefinitely postponed (Amended into LB 980 by AM2311)	2068

LEGISLATIVE BILL 980. By Transportation Committee

Jan.	4	2	Read first time	152
Jan.	8	3	Referred to Committee on Transportation	200
Jan.	12	7	Notice of hearing (1/23)	317
Feb.	1	20	Placed on General File - Com AM2311 (printed separate)	620
Feb.	2	21	Transportation Committee priority bill	647
Feb.	5	22	Committee AM2311 adopted. Advanced for Review	661
Feb.	7	24	Placed on Select File - AM7125	715
Feb.	15	28	Lamb AM2528 printed separate and Lamb AM2473 to committee AM2311 printed	821
Mar.	1	37	Lamb AM2769 to AM2528 printed	1119
Mar.	5	39	AM7125 (E & R) adopted. Lamb pending AM2528 p. 821 adopted as amended by Lamb pending AM2769 p. 1119. Lamb pending AM2473 p. 821 adopted. Advanced for Engrossment	1146
Mar.	8	42	Correctly Engrossed	1289
Mar.	8	42	ER6257 change	1291
Apr.	5	59	Final Reading w/E 48-0-1	1939
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 980A. By Lamb

Feb.	20	30	Read first time. Placed on General File	867
Feb.	23	33	Advanced for Review	968
Feb.	26	34	Placed on Select File	980
Mar.	5	39	Advanced for Engrossment	1147
Mar.	8	42	Correctly Engrossed	1289
Mar.	30	55	Schmit AM3222 printed	1762
Apr.	5	59	Schmit motion to return to Select File for pending AM3222 p. 1762 withdrawn	1940
Apr.	5	59	Final Reading w/E 46-0-3	1941
Apr.	5	59	President signed	1959

Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 981. By Banking, Commerce and Insurance Committee

Jan.	4	2	Read first time	153
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	9	4	Notice of hearing (1/16)	235
Jan.	18	10	Placed on General File - Com AM2152	388
Apr.	9	60	Indefinitely postponed (Amended into LB 1136 by AM2973)	2068

LEGISLATIVE BILL 982. By Banking, Commerce and Insurance Committee

Jan.	4	2	Read first time	153
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	9	4	Notice of hearing (1/16)	235
Jan.	18	10	Placed on General File - Com AM2151	389
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed (Amended into LB 1136 by AM2585)	2068

LEGISLATIVE BILL 983. By Banking, Commerce and Insurance Committee

Jan.	4	2	Read first time	154
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	9	4	Notice of hearing (1/16)	235
Jan.	18	10	Placed on General File	388
Feb.	7	24	Advanced for Review	704
Feb.	12	25	Placed on Select File	733
Feb.	28	36	Advanced for Engrossment	1043
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 39-0-10	1256
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 984. By Banking, Commerce and Insurance

Committee

Jan.	4	2	Read first time	154
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	9	4	Notice of hearing (1/16)	235
Jan.	18	10	Placed on General File	388
Feb.	7	24	Advanced for Review	711
Feb.	12	25	Placed on Select File - AM7136	733
Feb.	13	26	AM7136 (E & R) adopted. Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading 45-0-4	923
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 985. By Banking, Commerce and Insurance Committee

Jan.	4	2	Read first time	154
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	12	7	Notice of hearing (1/23)	312
Jan.	25	15	Indefinitely postponed (Amended into LB 956 by AM2227)	495

LEGISLATIVE BILL 986. By Hefner

Jan.	4	2	Read first time	155
Jan.	8	3	Referred to Committee on Business and Labor	200
Jan.	18	10	Notice of hearing (1/29)	372
Feb.	7	24	Indefinitely postponed (Amended into LB 313 by AM2428)	690

LEGISLATIVE BILL 987. By Schmit

Jan.	4	2	Read first time	155
Jan.	8	3	Referred to Committee on Natural Resources	200
Jan.	17	9	Notice of hearing (1/24)	365
Jan.	25	15	Placed on General File	499
Feb.	20	30	Advanced for Review	870
Feb.	22	32	Placed on Select File - AM7154	906
Feb.	28	36	AM7154 (E & R) adopted. Advanced for Engrossment	1041

Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading w/E 44-0-5	1215
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 987A. By Schmit

Feb.	7	24	Read first time. Placed on General File	717
Feb.	20	30	Advanced for Review	870
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading w/E 43-0-6	1216
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 988. By Wesely

Jan.	4	2	Read first time	155
Jan.	8	3	Referred to Committee on Transportation	200
Jan.	19	11	Notice of hearing (1/30)	440
Feb.	15	28	Placed on General File - Com AM2548	825
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 989. By Wesely

Jan.	4	2	Read first time	155
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	200
Jan.	12	7	Notice of hearing (1/19)	310
Feb.	16	29	Wesely priority bill	852
Mar.	1	37	Placed on General File	1078
Mar.	12	43	Wesely AM2891 printed	1315
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to General File ruled in order and lost	1869
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 989A. By Wesely

Mar.	15	46	Read first time. Placed on General File	1385
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to General File ruled in order and lost	1869
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 990. By Withem

Jan.	4	2	Read first time	155
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	200
Jan.	17	9	Notice of hearing (1/24)	358
Feb.	6	23	Indefinitely postponed	667

LEGISLATIVE BILL 991. By Morrissey

Jan.	4	2	Read first time	156
Jan.	8	3	Referred to Committee on Business and Labor	201
Jan.	18	10	Notice of hearing (2/5)	372
Feb.	7	24	Indefinitely postponed	690

LEGISLATIVE BILL 992. By Wesely, Hall

Jan.	4	2	Read first time	156
Jan.	8	3	Referred to Committee on Revenue	201
Jan.	17	9	Notice of hearing (1/24)	358
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 993. By Hefner, Smith, Nelson, R. Johnson, L. Johnson, Schimek, Elmer, Beck, Schellpeper, Dierks, Pirsch, Peterson, Lindsay

Jan.	4	2	Read first time	156
Jan.	8	3	Referred to Committee on Natural Resources	201
Jan.	9	4	Conway name added	234
Jan.	23	13	Notice of hearing (1/31)	467
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 994. By Schellpeper, Dierks, Coordsen

Jan.	4	2	Read first time	156
Jan.	8	3	Referred to Committee on Health and Human Services	201
Jan.	10	5	Notice of hearing (1/18)	270
Jan.	19	11	Placed on General File	439
Feb.	20	30	Haberman name added	867
Feb.	20	30	Advanced for Review	869
Feb.	22	32	Placed on Select File - AM7152	906
Feb.	28	36	AM7152 (E & R) adopted. Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Apr.	5	59	Final Reading 33-0-16	1943
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 994A. By Schellpeper

Jan.	25	15	Read first time. Placed on General File	508
Feb.	20	30	Advanced for Review	870
Feb.	22	32	Placed on Select File	906
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Apr.	5	59	Final Reading 33-0-16	1944
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	90	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 995. By Coordsen, Wehrbein, Morrissey, Dierks, Rogers, Weihing, Schellpeper

Jan.	4	2	Read first time	156
Jan.	8	3	Referred to Committee on Appropriations	201
Jan.	10	5	Crosby name added	274
Jan.	25	15	Notice of hearing (2/7)	513
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 996. By Conway, Baack, Kristensen, Moore

Jan.	4	2	Read first time	157
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	201
Jan.	12	7	Notice of hearing (1/19)	310
Feb.	22	32	Placed on General File - Com AM2643	934

Apr.	9	60	Indefinitely postponed (Amended into LB 571 by AM2905)	2068

LEGISLATIVE BILL 997. By Schellpeper

Jan.	4	2	Read first time	177
Jan.	8	3	Referred to Committee on Health and Human Services	201
Jan.	10	5	Notice of hearing (1/18)	270
Jan.	19	11	Placed on General File	439
Feb.	7	24	Advanced for Review	712
Feb.	12	25	Placed on Select File	734
Feb.	13	26	Advanced for Engrossment	767
Feb.	14	27	Correctly Engrossed	794
Feb.	22	32	Final Reading w/E 43-0-6	924
Feb.	22	32	President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 998. By Haberman

Jan.	4	2	Read first time	177
Jan.	8	3	Referred to Committee on Appropriations	201
Jan.	18	10	Notice of hearing (1/26)	397
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 999. By Haberman

Jan.	4	2	Read first time	178
Jan.	8	3	Referred to Committee on Appropriations	201
Jan.	18	10	Notice of hearing (1/26)	397
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 1000. By Haberman, Schellpeper

Jan.	4	2	Read first time	178
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	12	7	Notice of hearing (1/22)	312
Feb.	13	26	Indefinitely postponed	766

LEGISLATIVE BILL 1001. By Lynch

Jan.	4	2	Read first time	178
Jan.	8	3	Referred to Committee on General Affairs	201

Jan.	12	7	Notice of hearing (1/22)	303
Jan.	23	13	Placed on General File - Com AM2191	471
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1002. By Lamb, Dierks

Jan.	4	2	Read first time	178
Jan.	8	3	Referred to Committee on Education	201
Jan.	19	11	Notice of hearing (2/13)	434
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1003. By Elmer, Lindsay, Schmit

Jan.	4	2	Read first time	178
Jan.	8	3	Referred to Committee on Judiciary	201
Jan.	18	10	Notice of hearing (1/25)	397
Jan.	29	17	Placed on General File - Com AM2301	556
Feb.	16	29	Judiciary Committee priority bill	850
Apr.	3	57	Committee AM2301 adopted. Advanced for Review	1866
Apr.	4	58	Placed on Select File	1871
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1004. By Rogers, Wehrbein, Dierks, Coordsen

Jan.	4	2	Read first time	178
Jan.	8	3	Referred to Committee on Agriculture	201
Jan.	9	4	Notice of hearing (1/16)	243
Jan.	10	5	R. Johnson motion to suspend rules to permit cancellation of hearing prevailed	257
Jan.	10	5	Notice of hearing (1/23) (Reset)	258
Jan.	30	18	Placed on General File - Com AM2296	567
Feb.	1	20	Rogers priority bill	616
Feb.	5	22	Committee AM2296 adopted. Advanced for Review	661
Feb.	5	22	Rogers AM2398 printed	665
Feb.	7	24	Placed on Select File - AM7124	686
Feb.	23	33	AM7124 (E & R) adopted. Rogers pending AM2398 p. 665 withdrawn. Rogers-Dierks AM2657 adopted. Advanced for Engrossment	975
Feb.	28	36	Correctly Engrossed. ER6248 change	1045
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811

Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 30-11-8	1828
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Returned by Governor without approval (4/6)	1989
Apr.	9	60	Rogers motion to override veto passed 34-12-3	2047
Apr.	9	60	Communication and Certificate	2058
Apr.	16	AJ	Message from Secretary of State	2087
Apr.	16	AJ	Certificate	2088

LEGISLATIVE BILL 1004A. By Rogers

Feb.	6	23	Read first time. Placed on General File	680
Feb.	15	28	Advanced for Review	821
Feb.	16	29	Placed on Select File	839
Feb.	23	33	Advanced for Engrossment	975
Feb.	28	36	Correctly Engrossed	1045
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 33-7-9	1829
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Returned by Governor without approval (4/6)	1989
Apr.	9	60	Rogers motion to override veto passed 34-0-15	2048
Apr.	9	60	Communication and Certificate	2058
Apr.	16	AJ	Message from Secretary of State	2087
Apr.	16	AJ	Certificate	2088

LEGISLATIVE BILL 1005. By Baack, R. Johnson, Scofield, Schmit

Jan.	4	2	Read first time	179
Jan.	8	3	Referred to Committee on Agriculture	201
Jan.	9	4	Notice of hearing (1/16)	243
Feb.	6	23	Placed on General File - Com AM2393	671
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1006. By Wesely

Jan.	4	2	Read first time	179
Jan.	8	3	Referred to Committee on Natural Resources	201
Jan.	23	13	Notice of hearing (1/31)	467

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1007. By Wesely

Jan.	4	2	Read first time	179
Jan.	8	3	Referred to Committee on Transportation	201
Jan.	19	11	Notice of hearing (1/30)	440
Feb.	7	24	Indefinitely postponed	724

LEGISLATIVE BILL 1008. By Wesely

Jan.	4	2	Read first time	179
Jan.	8	3	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	9	4	Notice of hearing (1/16)	235
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1009. By Moore

Jan.	4	2	Read first time	179
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	201
Jan.	11	6	Notice of hearing (1/18)	281
Jan.	23	13	Placed on General File - Com AM2197	463
Feb.	20	30	Speaker Barrett priority bill	867
Feb.	22	32	Committee AM2197 adopted. Hall FA373 withdrawn. Chambers FA374 adopted	932
Feb.	22	32	Chambers motion to indefinitely postpone laid over	941
Mar.	2	38	Moore AM2784 printed	1124
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1009A. By Moore

Jan.	26	16	Read first time. Placed on General File	532
Feb.	21	31	Moore AM2627 printed	893
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1010. By Ashford, Wesely, Chambers

Jan.	4	2	Read first time	180
Jan.	8	3	Referred to Committee on Health and Human Services	201
Jan.	10	5	Notice of hearing (1/18)	270
Jan.	19	11	Placed on General File	439

Feb.	13	26	McFarland name added	782
Apr.	9	60	Indefinitely postponed (Amended into LB 536 by AM2737)	2068

LEGISLATIVE BILL 1010A. By Ashford, McFarland, Chambers

Feb.	12	25	Read first time. Placed on General File	748
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1011. By Coordsen, Haberman

Jan.	4	2	Read first time	182
Jan.	8	3	Referred to Committee on Government, Military and Veterans Affairs	201
Jan.	19	11	Notice of hearing (2/14)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1012. By Wesely, Schimek, Landis, Crosby, McFarland

Jan.	4	2	Read first time	182
Jan.	8	3	Referred to Committee on Nebraska Retirement Systems	201
Jan.	12	7	Wesely motion to withdraw laid over	309
Jan.	16	8	Wesely pending motion p. 309 prevailed. Withdrawn	330

LEGISLATIVE BILL 1013. By Schmit, Elmer, Robak

Jan.	4	2	Read first time	182
Jan.	8	3	Referred to Committee on Natural Resources	201
Jan.	10	5	Notice of hearing (1/17)	253
Jan.	18	10	Placed on General File	372
Feb.	7	24	Advanced for Review	704
Feb.	12	25	Placed on Select File	733
Feb.	13	26	Advanced for Engrossment	766
Feb.	14	27	Correctly Engrossed	791
Feb.	22	32	Final Reading 45-0-4. President signed	925
Feb.	22	32	Presented to Governor (2/22)	930
Feb.	26	34	Approved by Governor (2/24)	983

LEGISLATIVE BILL 1014. By Landis

Jan.	8	3	Read first time	191

Jan.	9	4	Referred to Committee on Education	233
Jan.	9	4	Notice of hearing (1/16)	236
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1015. By Lynch

Jan.	8	3	Read first time	191
Jan.	9	4	Referred to Committee on Revenue	233
Jan.	10	5	Notice of hearing (1/17)	272
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1016. By Goodrich, L. Johnson

Jan.	8	3	Read first time	191
Jan.	9	4	Referred to Committee on Banking, Commerce and Insurance	233
Jan.	12	7	Notice of hearing (1/23)	312
Jan.	25	15	Placed on General File	494
Feb.	7	24	Advanced for Review	713
Feb.	12	25	Placed on Select File	737
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading w/E 38-0-11	1016
Feb.	27	35	Speaker signed	1021
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 1017. By Goodrich, L. Johnson

Jan.	8	3	Read first time	194
Jan.	9	4	Referred to Committee on Banking, Commerce and Insurance	233
Jan.	12	7	Notice of hearing (1/23)	312
Jan.	25	15	Placed on General File	494
Feb.	7	24	Advanced for Review	713
Feb.	12	25	Placed on Select File	737
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading w/E 39-0-10	1017
Feb.	27	35	Speaker signed	1021
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 1018. By Abboud, Beck

Jan.	8	3	Read first time	195
Jan.	9	4	Referred to Committee on Judiciary	233
Jan.	17	9	Notice of hearing (1/24)	358
Feb.	16	29	Abboud priority bill	852
Feb.	21	31	Placed on General File - Com AM2614	896
Mar.	2	38	Committee AM2614 adopted as amended by Abboud AM2254. Chambers FA389 pending	1125
Mar.	2	38	Chambers pending FA389 p. 1126 adopted. Advanced for Review	1128
Mar.	2	38	Ashford name added	1138
Mar.	7	41	Placed on Select File - AM7181	1233
Mar.	19	48	AM7181 (E & R) adopted. Advanced for Engrossment	1444
Mar.	22	51	Correctly Engrossed	1572
Apr.	5	59	Final Reading 38-5-6	1949
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 1019. By R. Johnson

Jan.	8	3	Read first time	195
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	19	11	Notice of hearing (2/2)	441
Feb.	12	25	Placed on General File	747
Feb.	16	29	R. Johnson priority bill	850
Mar.	2	38	Advanced for Review	1123
Mar.	2	38	Ashford name added	1138
Mar.	5	39	Placed on Select File - AM7178	1154
Mar.	7	41	AM7178 (E & R) adopted. Wesely AM2681 withdrawn. Wesely motion to indefinitely postpone laid over	1245
Mar.	8	42	McFarland AM2907 printed	1277
Mar.	21	50	Wesely name added	1571
Mar.	22	51	Wesely pending motion p. 1245 withdrawn. McFarland pending AM2907 p. 1277 withdrawn. Advanced for Engrossment	1589
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6287 change	1600
Mar.	29	54	Haberman name added	1739
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825

Apr.	3	57	Final Reading 35-8-6	1838
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Returned by Governor without approval (4/6)	1990
Apr.	9	60	R. Johnson motion to override veto failed 12-31-6	2034

LEGISLATIVE BILL 1019A. By R. Johnson

Feb.	21	31	Read first time. Placed on General File	898
Mar.	2	38	Advanced for Review	1123
Mar.	5	39	Placed on Select File	1154
Mar.	22	51	Advanced for Engrossment	1589
Mar.	27	52	Correctly Engrossed	1597
Apr.	2	56	Barrett motion to suspend rule and vote on Final Reading without amendment, motion or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 34-5-10	1839
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Returned by Governor without approval (4/6)	1990

LEGISLATIVE BILL 1020. By Kristensen

Jan.	8	3	Read first time	195
Jan.	9	4	Referred to Committee on Transportation	233
Jan.	19	11	Notice of hearing (2/6)	440
Feb.	15	28	Placed on General File - Com AM2546	825
Feb.	16	29	Transportation Committee priority bill	852
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 799 by AM3143)	

LEGISLATIVE BILL 1021. By Coordsen, Kristensen

Jan.	8	3	Read first time	195
Jan.	9	4	Referred to Committee on Transportation	233
Jan.	12	7	Notice of hearing (1/23)	317
Feb.	1	20	Indefinitely postponed	620

LEGISLATIVE BILL 1022. By Byars

Jan.	8	3	Read first time	195
Jan.	9	4	Referred to Committee on Health and	

			Human Services	233
Jan.	11	6	Notice of hearing (1/19)	288
Jan.	26	16	Placed on General File	545
Feb.	7	24	Advanced for Review	715
Feb.	12	25	Placed on Select File	738
Feb.	12	25	Smith AM2462 printed	744
Feb.	13	26	Smith pending AM2462 p. 744 withdrawn. Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Feb.	23	33	Attorney General's Opinion #90011 to Wesely	944
Mar.	7	41	Final Reading 41-0-8	1201
Mar.	7	41	Speaker signed	1208
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1023. By Withem, Chambers

Jan.	8	3	Read first time	196
Jan.	9	4	Referred to Committee on Judiciary	233
Jan.	31	19	Notice of hearing (2/16)	595
Feb.	27	35	Placed on General File	999
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1024. By McFarland

Jan.	8	3	Read first time	196
Jan.	9	4	Referred to Committee on Judiciary	233
Jan.	31	19	Notice of hearing (2/7)	594
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1025. By McFarland

Jan.	8	3	Read first time	196
Jan.	9	4	Referred to Committee on Natural Resources	233
Jan.	26	16	Notice of hearing (2/14)	533
Feb.	13	26	Schmit motion to suspend rules prevailed. Notice of hearing (2/15) (Reset)	769
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1026. By McFarland, Crosby

Jan.	8	3	Read first time	197
Jan.	9	4	Referred to Committee on Education	233
Jan.	9	4	Beck name added	234
Jan.	19	11	Notice of hearing (2/5)	434

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1027. By Schimek

Jan.	8	3	Read first time	197
Jan.	9	4	Referred to Committee on Banking, Commerce and Insurance	233
Jan.	12	7	Notice of hearing (1/22)	312
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1028. By Wesely, Korshoj, McFarland, Hall

Jan.	8	3	Read first time	197
Jan.	9	4	Referred to Committee on Revenue	233
Jan.	17	9	Notice of hearing (1/24)	358
Feb.	2	21	Placed on General File - Com AM2352	649
Feb.	16	29	Revenue Committee priority bill	850
Apr.	9	60	Indefinitely postponed (Amended into LB 431 by AM3284)	2068

LEGISLATIVE BILL 1029. By Wesely

Jan.	8	3	Read first time	197
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	19	11	Notice of hearing (1/31)	441
Feb.	6	23	Indefinitely postponed	667

LEGISLATIVE BILL 1030. By Wesely, Schimek

Jan.	8	3	Read first time	197
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	19	11	Notice of hearing (1/31)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1031. By Speaker Barrett at request of Governor

Jan.	8	3	Read first time	198
Jan.	9	4	Referred to Committee on Appropriations	233
Jan.	25	15	Notice of hearing (2/7)	513
Feb.	28	36	Korshoj-Withem-Coordsen-Smith AM2663 printed	1058
Mar.	2	38	Placed on General File - Com AM2659	1131

			(printed separate)	
Mar.	6	40	Smith AM2851 to committee AM2659 printed	1195
Mar.	7	41	Coordsen AM2885 to committee AM2659 printed	1241
Mar.	7	41	Bernard-Stevens-Baack-Conway-Withem-Schimek AM2815 printed	1249
Mar.	8	42	Baack-Elmer-Bernard-Stevens-Byars-Hefner-Peterson-Dierks-Coordsen-Conway-Schellpeper-Korshoj-Wesely-Schmit-R. Johnson-Morrissey-Kristensen-Lamb-Weihing-Rogers-Haberman-Nelson-Smith-Robak AM2875 printed	1281
Mar.	8	42	Chambers AM2910 to AM2663 printed	1285
Mar.	8	42	Kristensen AM2923 printed	1294
Mar.	12	43	Committee AM2659 p. 1131 pending	1306
Mar.	12	43	Smith pending AM2851 p. 1195 to committee AM2659 adopted. Coordsen pending AM2885 p. 1241 lost	1308
Mar.	12	43	Schmit AM2978 and Warner AM2858 to committee AM2659 printed	1312
Mar.	12	43	Coordsen-Hefner-Byars-Schmit-Peterson-Bernard-Stevens-Schellpeper-Morrissey-Dierks-Korshoj-Robak AM2979 to committee AM2659 pending	1318
Mar.	12	43	Lynch FA400 and Kristensen AM2963 printed	1319
Mar.	13	44	Chambers AM2994 to committee AM2659 printed	1325
Mar.	13	44	Coordsen et al pending AM2979 p. 1318 and Barrett FA402 to committee AM2659 adopted. Goodrich AM2969 lost	1331
Mar.	13	44	Schmit AM2990 printed	1333
Mar.	13	44	Withem FA403 lost. Korshoj AM2982 to committee AM2659 adopted. Lynch request to substitute amendment prevailed. Lynch pending FA400 p. 1319 withdrawn. Lynch substitute FA408 lost. Warner pending AM2858 p. 1312 to committee AM2659 adopted	1339
Mar.	13	44	Beyer motion to reconsider action on AM2885 p. 1241 laid over	1344
Mar.	13	44	Chambers AM3007 printed	1345
Mar.	14	45	Beyer pending motion p. 1344 prevailed. Coordsen reconsidered AM2885 p. 1241 and Chambers pending AM2994 p. 1325 to committee AM2659 adopted	1355
Mar.	14	45	Kristensen FA404 lost. Morrissey AM2993	

		to committee AM2659 adopted	1362
Mar. 14	45	Schmit AM2972 printed	1366
Mar. 14	45	Committee AM2659 adopted as amended. Korshoj et al pending AM2663 p. 1058, Chambers pending AM2910 p. 1285, and Bernard-Stevens et al pending AM2815 p. 1249 withdrawn	1370
Mar. 14	45	Crosby motion to reconsider action on Kristensen FA404 p. 1362 laid over	1371
Mar. 15	46	Baack et al pending AM2875 p. 1281 adopted. Crosby pending motion p. 1371 prevailed	1378
Mar. 15	46	Kristensen reconsidered FA404 p. 1362 and Schellpeper AM2977 adopted. Moore FA405 withdrawn. Kristensen pending AM2923 p. 1294 and AM2963 p. 1319 withdrawn. Schmit pending AM2978 p. 1312 and AM2990 p. 1333 lost	1379
Mar. 15	46	Chambers pending AM3007 p. 1345 withdrawn. Haberman AM3024 to committee AM2659 and Schmit pending AM2972 p. 1366 adopted. Wesely FA406 lost. Advanced for Review	1386
Mar. 15	46	Warner AM3009 printed	1390
Mar. 16	47	Correction	1393
Mar. 19	48	Placed on Select File - AM7194	1437
Mar. 20	49	Appropriations Committee AM3088 printed	1504
Mar. 20	49	Haberman-Schellpeper-Coordsen-Warner-Ashford-Wesely AM3104 to committee AM2659 printed	1524
Mar. 21	50	AM7194 (E & R) adopted. Warner pending AM3009 p. 1390 withdrawn. Appropriations Committee AM3088 p. 1504 and Haberman et al pending AM3104 p. 1524 adopted	1552
Mar. 21	50	Wesely AM3126, Appropriations Committee AM3102, AM3123, AM3128, AM3137, and AM3135 adopted. Moore AM2930 and Goodrich AM3078 lost. Advanced for Engrossment	1562
Mar. 27	52	Correctly Engrossed	1597
Mar. 27	52	ER6275 change	1600
Mar. 29	54	Barrett motion to suspend rules prevailed. Final Reading w/E 39-1-9	1683
Mar. 29	54	Speaker signed	1694
Mar. 29	54	Presented to Governor (3/29)	1714
Apr. 5	59	Approved by Governor with line-item vetoes (4/4)	1912

Apr.	5	59	Appropriations Committee report and motion to override veto printed	1962
Apr.	9	60	Appropriations Committee motion to override line-item veto passed 45-0-4	2017
Apr.	9	60	Ashford-Crosby motion to override line-item veto failed 28-19-2	2018
Apr.	9	60	Crosby-Beck motion to override line-item veto passed 37-8-4	2019
Apr.	9	60	Haberman motion to override line-item veto failed 16-28-5	2020
Apr.	9	60	Coordsen motion to override line-item veto failed 16-19-14	2021
Apr.	9	60	Schellpeper motion to override line-item veto failed 26-19-4	2022
Apr.	9	60	Coordsen motion to override line-item veto failed 23-14-12	2024
Apr.	9	60	Kristensen motion to reconsider vote on p. 2018 prevailed. Ashford-Crosby reconsidered motion to override line-item veto passed 36-0-13	2025
Apr.	9	60	Nelson motion to override line-item veto failed 18-20-11	2026
Apr.	9	60	Coordsen motion to override line-item veto passed 35-2-12. Morrissey motion to override line-item veto failed 14-24-11	2027
Apr.	9	60	Schmit motion to override line-item veto failed 23-9-17	2028
Apr.	9	60	Chizek motion to override line-item veto failed 21-24-4	2029
Apr.	9	60	Schellpeper motion to override line-item veto passed 33-10-6	2030
Apr.	9	60	Landis explanation of vote	2031
Apr.	9	60	Wesely motion to reconsider vote on p. 2024 lost	2050
Apr.	9	60	Communication and Certificate	2065
Apr.	16	AJ	Message from Secretary of State	2093
Apr.	16	AJ	Certificate	2094

LEGISLATIVE BILL 1032. By Barrett, Warner, Labedz

Jan.	8	3	Read first time	199
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	19	11	Notice of hearing (1/31)	440

Feb.	5	22	Speaker's priority bill	665
Feb.	7	24	Placed on General File - Com AM2438	688
Feb.	22	32	Committee AM2438 adopted. Barrett FA372 adopted. Advanced for Review	931
Feb.	26	34	Placed on Select File - AM7169	980
Mar.	5	39	AM7169 (E & R) adopted. Advanced for Engrossment	1161
Mar.	8	42	Correctly Engrossed	1289
Mar.	19	48	Final Reading w/E 46-0-3	1413
Mar.	19	48	President signed	1428
Mar.	19	48	Presented to Governor (3/19)	1435
Mar.	21	50	Approved by Governor (3/21)	1549

LEGISLATIVE BILL 1033. By Baack

Jan.	8	3	Read first time	203
Jan.	9	4	Referred to Committee on Education	233
Jan.	19	11	Notice of hearing (1/30)	434
Jan.	31	19	Placed on General File - Com AM2351	584
Apr.	9	60	Indefinitely postponed (Amended into LB 1090 by AM2626)	2068

LEGISLATIVE BILL 1034. By Hall

Jan.	8	3	Read first time	203
Jan.	9	4	Referred to Committee on General Affairs	233
Jan.	10	5	Rereferred to Committee on Revenue	267
Jan.	10	5	Notice of hearing (1/18)	272
Jan.	30	18	Indefinitely postponed	581

LEGISLATIVE BILL 1035. By McFarland, Chizek, Lindsay

Jan.	8	3	Read first time	204
Jan.	9	4	Referred to Committee on Judiciary	233
Jan.	9	4	Kristensen name added	234
Jan.	12	7	Notice of hearing (1/19)	303
Jan.	29	17	Placed on General File - Com AM2302	556
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1036. By Conway, Hall, Warner, Baack

Jan.	8	3	Read first time	204
Jan.	9	4	Referred to Committee on Revenue	233
Jan.	24	14	Notice of hearing (2/7)	487

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1037. By Baack

Jan.	8	3	Read first time	207
Jan.	9	4	Referred to Committee on Education	233
Jan.	19	11	Notice of hearing (1/30)	434
Jan.	31	19	Placed on General File	583
Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File - AM7156	907
Feb.	28	36	AM7156 (E & R) adopted. Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 41-0-8	1217
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1038. By Hall

Jan.	8	3	Read first time	207
Jan.	9	4	Referred to Committee on Judiciary	233
Jan.	24	14	Notice of hearing (1/31)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1039. By Haberman

Jan.	8	3	Read first time	207
Jan.	9	4	Referred to Committee on Nebraska Retirement Systems	233
Jan.	22	12	Notice of hearing (2/5)	453
Feb.	7	24	Placed on General File - Com AM2222	722
Feb.	16	29	Nebraska Retirement Systems Committee priority bill	850
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1039A. By Haberman

Feb.	26	34	Read first time. Placed on General File	983
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1040. By Landis

Jan.	8	3	Read first time	208
Jan.	9	4	Referred to Committee on Judiciary	233

Jan.	24	14	Notice of hearing (2/2)	486
Apr.	9	60	Indefinitely postponed (Amended into LB 656 by AM2796)	2068

LEGISLATIVE BILL 1041. By Natural Resources Committee

Jan.	8	3	Read first time	208
Jan.	9	4	Referred to Committee on Natural Resources	233
Jan.	17	9	Notice of hearing (1/24)	365
Jan.	25	15	Placed on General File - Com AM2267	513
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1042. By Hartnett, Lindsay, Kristensen

Jan.	8	3	Read first time	208
Jan.	9	4	Referred to Committee on Judiciary	233
Jan.	24	14	Notice of hearing (1/31)	486
Feb.	27	35	Placed on General File	999
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1043. By Hannibal

Jan.	8	3	Read first time	209
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	233
Jan.	11	6	Rereferred to Committee on Urban Affairs	278
Jan.	16	8	Notice of hearing (1/23)	344
Jan.	25	15	Placed on General File	513
Feb.	7	24	Advanced for Review	714
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Apr.	4	58	Lynch name added. Hannibal name withdrawn	1876
Apr.	5	59	Lindsay-Chambers motion to return to Select File for FA465 and Pirsch motion to return to Select File for FA466 withdrawn. Final Reading 37-1-11	1945
Apr.	5	59	Final Reading 37-1-11	1945
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Returned by Governor without approval (4/7)	1995
Apr.	9	60	Lynch motion to override veto passed 35-7-7	2053
Apr.	9	60	Communication and Certificate	2056
Apr.	16	AJ	Message from Secretary of State	2077

Apr.	16	AJ	Certificate	2078

LEGISLATIVE BILL 1044. By Pirsch

Jan.	8	3	Read first time	210
Jan.	9	4	Referred to Committee on Urban Affairs	233
Jan.	16	8	Notice of hearing (1/23)	344
Jan.	25	15	Placed on General File	513
Feb.	7	24	Advanced for Review	714
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	14	27	Abboud name added	797
Feb.	15	28	Correctly Engrossed	821
Mar.	8	42	Final Reading 35-0-14	1252
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1045. By Wesely, Smith

Jan.	8	3	Read first time	210
Jan.	9	4	Referred to Committee on Banking, Commerce and Insurance	234
Jan.	22	12	Notice of hearing (2/5)	452
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1046. By Wesely, Smith

Jan.	8	3	Read first time	210
Jan.	9	4	Referred to Committee on Health and Human Services	234
Jan.	17	9	Notice of hearing (1/24)	359
Jan.	30	18	Placed on General File - Com AM2261	563
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1047. By Wesely, Smith

Jan.	8	3	Read first time	210
Jan.	9	4	Referred to Committee on Health and Human Services	234
Jan.	17	9	Notice of hearing (1/24)	359
Jan.	30	18	Placed on General File	581
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1047A. By Wesely, Smith

Feb.	12	25	Read first time. Placed on General File	762
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1048. By Barrett

Jan.	8	3	Read first time	210
Jan.	9	4	Referred to Committee on Government, Military and Veterans Affairs	234
Jan.	12	7	Notice of hearing (1/19)	310
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1049. By Smith

Jan.	9	4	Read first time	222
Jan.	10	5	Referred to Committee on General Affairs	267
Jan.	23	13	Notice of hearing (2/5)	472
Feb.	21	31	Indefinitely postponed	899

LEGISLATIVE BILL 1050. By Weihing, Elmer, Baack

Jan.	9	4	Read first time	222
Jan.	10	5	Referred to Committee on Education	267
Jan.	11	6	Weihing priority bill	276
Jan.	12	7	Bernard-Stevens name added	310
Jan.	19	11	Notice of hearing (1/29)	434
Jan.	30	18	Placed on General File	563
Feb.	5	22	Advanced for Review	661
Feb.	7	24	Placed on Select File	686
Feb.	23	33	Moore motion to indefinitely postpone withdrawn. Advanced for Engrossment	975
Feb.	26	34	Correctly Engrossed	985
Mar.	7	41	Moore motion to return to Select File for FA397 withdrawn	1203
Mar.	7	41	Final Reading 30-11-8	1204
Mar.	7	41	Speaker signed	1208
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1051. By Hartnett, Labedz

Jan.	9	4	Read first time	224
Jan.	10	5	Referred to Committee on Education	267
Jan.	11	6	Dierks name added	283

Jan.	19	11	Notice of hearing (2/13)	434
Feb.	14	27	Placed on General File - Com AM2543	791
Apr.	9	60	Indefinitely postponed (Amended into LB 1090 by AM2637)	2068

LEGISLATIVE BILL 1052. By Haberman

Jan.	9	4	Read first time	225
Jan.	10	5	Referred to Committee on Government, Military and Veterans Affairs	267
Jan.	19	11	Notice of hearing (2/21)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1053. By Smith

Jan.	9	4	Read first time	225
Jan.	10	5	Referred to Committee on General Affairs	267
Jan.	23	13	Notice of hearing (2/5)	472
Feb.	22	32	Placed on General File - Com AM2636	933
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1054. By Landis, Weihing, Bernard-Stevens, Schimek, Nelson, Chambers

Jan.	9	4	Read first time	225
Jan.	10	5	Referred to Committee on Judiciary	267
Jan.	31	19	Notice of hearing (2/7)	594
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1055. By Hall

Jan.	9	4	Read first time	226
Jan.	10	5	Referred to Committee on Revenue	267
Jan.	10	5	Notice of hearing (1/18)	272
Feb.	15	28	Goodrich priority bill	806
Feb.	20	30	Placed on General File - Com AM2621 (printed separate)	874
Mar.	19	48	Chambers motion (to divide AM2621) printed	1450
Mar.	27	52	Chambers pending motion p. 1450 withdrawn. Chambers request for division of question on Committee AM2621 sustained. Committee FA420 (1st) pending	1626
Mar.	27	52	Committee pending FA420 (1st) p. 1626 and FA421 (2nd) adopted	1631

Mar.	27	52	Committee FA422 (3rd) pending. Chambers FA423 to FA422 lost	1639
Mar.	27	52	Chambers FA424 to FA422 lost. Committee FA422 (3rd) adopted. Advanced for Review	1644
Mar.	27	52	Smith AM3195 printed	1647
Mar.	29	54	Placed on Select File - AM7199 (printed separate)	1738
Mar.	30	55	Hall AM3236 printed	1763
Apr.	3	57	AM7199 (E & R) adopted. Smith pending AM3195 p. 1647, Hall pending AM3236 p. 1763, and Conway AM3344 withdrawn. Hall AM3318 to AM7199 adopted. Conway FA452 lost. Advanced for Engrossment	1856
Apr.	4	58	Correctly Engrossed	1878
Apr.	4	58	ER6300 change	1879
Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	Final Reading w/E 39-0-10	2000
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Governor (4/9)	2031
Apr.	16	AJ	Approved by Governor (4/14)	2071
Apr.	16	AJ	Message from Secretary of State	2106
Apr.	16	AJ	Certificate	2107

LEGISLATIVE BILL 1056. By Government, Military and Veterans Affairs Committee

Jan.	9	4	Read first time	226
Jan.	10	5	Referred to Committee on Natural Resources	267
Jan.	18	10	Rereferred to Committee on Government, Military and Veterans Affairs	373
Jan.	19	11	Notice of hearing (2/7)	441
Feb.	15	28	Indefinitely postponed	823

LEGISLATIVE BILL 1057. By R. Johnson

Jan.	9	4	Read first time	232
Jan.	10	5	Referred to Committee on Urban Affairs	267
Jan.	16	8	Notice of hearing (1/23)	344
Feb.	27	35	Indefinitely postponed	999

LEGISLATIVE BILL 1058. By Scofield

Jan.	9	4	Read first time	232

Jan.	10	5	Referred to Committee on Judiciary	267
Jan.	11	6	Notice of hearing (1/18)	284
Jan.	29	17	Indefinitely postponed	556

LEGISLATIVE BILL 1059. By Withem, Moore, Baack, Barrett, Beck, Beyer, Bernard-Stevens, Byars, Chizek, Conway, Coordsen, Crosby, Elmer, Hall, Hartnett, R. Johnson, Korshoj, Kristensen, Landis, Lindsay, Lynch, Morrissey, Nelson, Pirsch, Robak, Rogers, Schellpeper, Schimek, Scofield, Smith, Wehrbein, Weihing

Jan.	9	4	Read first time	232
Jan.	10	5	Referred to Committees on Education and Revenue	267
Jan.	10	5	Notice of hearing (1/23)	270
Jan.	30	18	Placed on General File - Com AM2309	579
Jan.	31	19	Labedz AM2349 printed	605
Feb.	2	21	Hefner AM2385 printed	649
Feb.	6	23	Moore priority bill	680
Feb.	6	23	Dierks name added	684
Feb.	7	24	Haberman AM2454 printed	717
Feb.	20	30	Attorney General's Opinion #90009 to Haberman	854
Mar.	5	39	Haberman AM2615 printed	1141
Mar.	5	39	Withem AM2820 printed	1163
Mar.	6	40	Committee AM2309 adopted. Lamb AM2848 lost	1174
Mar.	6	40	Labedz pending AM2349 p. 605, Haberman pending AM2454 p. 717, and Morrissey FA395 withdrawn. Hefner pending AM2385 p. 649 adopted. Haberman pending AM2615 p. 1141 lost	1176
Mar.	6	40	Hall AM2855 (1) and AM2845 (2) printed	1179
Mar.	6	40	Hall AM2794, Withem pending AM2820 p. 1163, and Dierks AM2837 adopted	1181
Mar.	6	40	Advanced for Review	1183
Mar.	6	40	Warner AM2474 (1) and AM2803 (2) printed	1188
Mar.	6	40	Warner AM2805 (3) printed	1189
Mar.	6	40	Warner AM2475 (4) printed	1192
Mar.	6	40	Byars AM2847 and Withem AM2821 printed	1198
Mar.	7	41	McFarland AM2792 printed	1221
Mar.	7	41	Warner AM2872 printed	1249
Mar.	8	42	McFarland AM2897 (1) to AM2794 printed	1287
Mar.	8	42	McFarland AM2915 (2) to AM2794 printed	1288
Mar.	12	43	Hall AM2949, Smith AM2952, and AM2953 printed	1303
Mar.	13	44	Placed on Select File - AM7185	1335

Mar. 14	45	Hall AM2749 printed separate	1362
Mar. 14	45	Withem AM3001 printed	1373
Mar. 15	46	Hefner AM3030 to AM2749 printed	1390
Mar. 16	47	Nelson AM3006 printed	1399
Mar. 20	49	AM7185 (E & R) adopted. Labedz reoffered AM2349 p. 605, Warner pending AM2474, AM2803, and AM2805 pp. 1188-89 withdrawn. Byars pending AM2847 p. 1198 adopted. Withem request to substitute amendment prevailed. Withem pending AM2821 p. 1198 withdrawn. Withem substitute AM3066 adopted	1461
Mar. 20	49	McFarland pending AM2792 p. 1221 withdrawn. Warner pending AM2872 p. 1249, McFarland pending AM2897 (1) p. 1287, and Smith pending AM2952 p. 1303 lost	1471
Mar. 20	49	Hall request to substitute amendment prevailed. Hall pending AM2949 p. 1303 withdrawn. Hall substitute AM2845 (2) p. 1179 adopted. Hall pending AM2749 p. 1362 lost. Hefner pending AM3030 p. 1390, Withem pending AM3001 p. 1373, Hall pending AM2855 (1) p. 1179, and Warner pending AM2475 (4) p. 1192 withdrawn. Baack-Kristensen AM3062 adopted. Landis AM3105 lost	1486
Mar. 20	49	Ashford AM3069 adopted. Hefner-Withem AM3091 lost. Hall FA414 to AM3091 ruled germane and lost	1506
Mar. 20	49	Schmit AM3100 printed	1525
Mar. 21	50	Schellpeper-Dierks AM3090 and Conway AM3099 adopted. Schimek-Wesely AM3057 (on file) lost	1531
Mar. 21	50	Smith AM3017 lost. Chambers motion to reconsider Smith AM3017 lost. Smith pending AM2953 p. 1303 and Nelson pending AM3006 p. 1399 withdrawn	1533
Mar. 21	50	Wesely AM3098, Abboud-Smith reoffered AM2953 p. 1303, and McFarland pending AM2915 (2) p. 1288 lost. Schmit pending AM3100 p. 1525 and AM3118 withdrawn. Warner AM3115 and Conway AM3140 adopted. Chambers motion to reconsider Smith AM2952 p. 1303 lost. Advanced for Engrossment	1539

Mar.	27	52	Correctly Engrossed. ER6278 change	1648
Mar.	28	53	Abboud-Smith AM3159 printed	1664
Mar.	28	53	Withem FA431 and FA432 printed	1671
Apr.	2	56	Chambers AM3293 printed	1790
Apr.	2	56	Chambers AM3282 printed	1791
Apr.	2	56	Haberman AM3291 printed	1806
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Failed on Final Reading w/E 30-15-4	1840
Apr.	3	57	Final Reading 30-16-3	1842
Apr.	3	57	Correctly Enrolled	1852
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	5	59	Attorney General's Opinion #90028 to Schmit	1966
Apr.	9	60	Returned by Governor without approval (4/6)	1985
Apr.	9	60	Withem motion to override veto passed 32-16-1	2043
Apr.	9	60	Communication and Certificate	2060
Apr.	16	AJ	Message from Secretary of State	2080
Apr.	16	AJ	Certificate	2081

LEGISLATIVE BILL 1059A. By Withem, Moore

Feb.	14	27	Read first time. Placed on General File	788
Mar.	6	40	Advanced for Review	1184
Mar.	13	44	Placed on Select File	1338
Mar.	21	50	Hall AM3138 adopted. Withem AM3131 adopted as amended by Warner FA415. Advanced for Engrossment	1551
Mar.	27	52	Correctly Engrossed	1648
Mar.	27	52	ER6274 change	1651
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Failed on Final Reading w/E 30-13-6	1842
Apr.	3	57	Final Reading 30-14-5	1843
Apr.	3	57	Correctly Enrolled	1852
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Returned by Governor without approval (4/6)	1985
Apr.	9	60	Withem motion to override veto	

			passed 31-15-3	2044
Apr.	9	60	Communication and Certificate	2060
Apr.	16	AJ	Message from Secretary of State	2080
Apr.	16	AJ	Certificate	2081

LEGISLATIVE BILL 1060. By Haberman

Jan.	9	4	Read first time	236
Jan.	10	5	Referred to Committee on Natural Resources	267
Jan.	25	15	Notice of hearing (2/2)	496
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1061. By Landis

Jan.	9	4	Read first time	239
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	22	12	Notice of hearing (1/29)	452
Jan.	30	18	Placed on General File - Com AM2293	576
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 1136 by AM2585)	

LEGISLATIVE BILL 1062. By Lynch, Bernard-Stevens, R. Johnson

Jan.	9	4	Read first time	239
Jan.	10	5	Referred to Committee on Judiciary	267
Jan.	12	7	Notice of hearing (1/19)	303
Feb.	16	29	Bernard-Stevens priority bill	850
Feb.	27	35	Placed on General File - Com AM2304	999
Mar.	27	52	Hefner AM3190 printed separate	1646
Mar.	28	53	Coordsen name added to AM3190	1681
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to General File lost	1869
Apr.	4	58	Schmit AM3345 (on file) printed	1910
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1062A. By Bernard-Stevens

Mar.	28	53	Read first time. Placed on General File	1669
Apr.	3	57	Labedz-Schmit motion to suspend rules and	

			Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to General File lost	1869
Apr.	4	58	Schmit AM3097 printed	1907
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1063. By Crosby

Jan.	9	4	Read first time	239
Jan.	10	5	Referred to Committee on Health and Human Services	267
Jan.	11	6	Notice of hearing (1/19)	288
Jan.	26	16	Placed on General File	545
Feb.	7	24	Advanced for Review	715
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Apr.	5	59	Final Reading 44-0-5	1957
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 1063A. By Crosby

Mar.	6	40	Read first time. Placed on General File	1184
Mar.	13	44	Advanced for Review	1323
Mar.	13	44	Placed on Select File	1339
Mar.	22	51	Advanced for Engrossment	1590
Mar.	27	52	Correctly Engrossed	1648
Apr.	5	59	Final Reading 41-0-8	1958
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 1064. By Wesely

Jan.	9	4	Read first time	239
Jan.	10	5	Referred to Committee on Health and Human Services	267
Jan.	11	6	Notice of hearing (1/19)	287
Jan.	31	19	Placed on General File	592
Feb.	6	23	Health and Human Services	

			Committee priority bill	682
Feb.	12	25	Wesely AM2487 (printed separate) adopted. Advanced for Review	749
Feb.	14	27	Placed on Select File - AM7145	794
Feb.	15	28	Peterson AM2533 printed separate	821
Mar.	14	45	Withem AM3014 printed	1366
Mar.	19	48	AM7145 (E & R) adopted. Peterson pending AM2533 p. 821 and AM3027 withdrawn. Withem pending AM3014 p. 1366 adopted. Beyer motion to indefinitely postpone laid over	1422
Mar.	20	49	Correction	1451
Mar.	30	55	Lindsay-Wesely-Byars-Labedz AM3207 printed	1766
Apr.	2	56	Beyer pending motion p. 1427 withdrawn. Wesely et al pending AM3207 p. 1766 adopted. Advanced for Engrossment	1793
Apr.	3	57	Correctly Engrossed. ER6293 change	1849
Apr.	5	59	Baack motion to suspend rules prevailed	1975
Apr.	5	59	Final Reading w/E 36-0-13	1980
Apr.	5	59	Speaker signed	1983
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 1064A. By Wesely

Feb.	12	25	Read first time. Placed on General File	748
Feb.	15	28	Advanced for Review	821
Feb.	16	29	Placed on Select File	839
Feb.	26	34	Peterson AM2558 printed	983
Apr.	2	56	Peterson pending AM2558 p. 983 withdrawn. Advanced for Engrossment	1793
Apr.	3	57	Correctly Engrossed	1849
Apr.	5	59	Baack motion to suspend rules prevailed	1975
Apr.	5	59	Final Reading 34-0-15	1982
Apr.	5	59	Speaker signed	1983
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 1065. By Lynch

Jan.	9	4	Read first time	240
Jan.	10	5	Referred to Committee on Health and Human Services	267
Jan.	25	15	Notice of hearing (2/14)	500

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1066. By Health and Human Services Committee

Jan.	9	4	Read first time	240
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	22	12	Notice of hearing (1/30)	452
Jan.	31	19	Placed on General File	607
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1066A. By Wesely

Feb.	12	25	Read first time. Placed on General File	738
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1067. By Health and Human Services Committee

Jan.	9	4	Read first time	240
Jan.	10	5	Referred to Committee on Health and Human Services	267
Jan.	18	10	Notice of hearing (1/31)	397
Feb.	1	20	Placed on General File	621
Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 43-0-6	1217
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1068. By Health and Human Services Committee

Jan.	9	4	Read first time	241
Jan.	10	5	Referred to Committee on Health and Human Services	267
Jan.	11	6	Notice of hearing (1/19)	287
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 1069. By Health and Human Services

Committee

Jan.	9	4	Read first time	241
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	22	12	Notice of hearing (1/30)	452
Feb.	1	20	Placed on General File - Com AM2359	620
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 1136 by AM2585)	

LEGISLATIVE BILL 1070. By Health and Human Services Committee

Jan.	9	4	Read first time	241
Jan.	10	5	Referred to Committee on Health and Human Services	267
Jan.	11	6	Notice of hearing (1/19)	288
Jan.	26	16	Placed on General File	545
Feb.	7	24	Advanced for Review	715
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Feb.	27	35	Final Reading 39-0-10	1018
Feb.	27	35	Speaker signed	1021
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 1071. By Conway

Jan.	9	4	Read first time	241
Jan.	10	5	Referred to Committee on Transportation	267
Jan.	19	11	Notice of hearing (2/5)	440
Feb.	7	24	Indefinitely postponed	724

LEGISLATIVE BILL 1072. By Chizek, Morrissey, Moore

Jan.	9	4	Read first time	242
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	22	12	Notice of hearing (2/13)	452
Feb.	16	29	Indefinitely postponed	852

LEGISLATIVE BILL 1073. By Chizek, Morrissey

Jan.	9	4	Read first time	242

Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	22	12	Notice of hearing (2/13)	452
Feb.	16	29	Placed on General File - Com AM2571	851
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 1136 by AM2973)	

LEGISLATIVE BILL 1074. By Schmit

Jan.	9	4	Read first time	242
Jan.	10	5	Referred to Committee on General Affairs	267
Jan.	12	7	Notice of hearing (1/22)	303
Jan.	30	18	Placed on General File	581
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1075. By Beyer

Jan.	9	4	Read first time	242
Jan.	10	5	Referred to Committee on Transportation	267
Jan.	19	11	Notice of hearing (1/29)	440
Jan.	30	18	Placed on General File - Com AM2297	567
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1076. By Wesely

Jan.	9	4	Read first time	242
Jan.	10	5	Referred to Committee on Urban Affairs	267
Jan.	16	8	Notice of hearing (1/23)	344
Jan.	25	15	Placed on General File	513
Feb.	7	24	Advanced for Review	714
Feb.	12	25	Placed on Select File - AM7139	738
Feb.	13	26	AM7139 (E & R) adopted. Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Feb.	27	35	Final Reading w/E 40-0-9	1018
Feb.	27	35	Speaker signed	1021
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 1077. By Warner

Jan.	9	4	Read first time	243
Jan.	10	5	Referred to Committee on Transportation	267

Jan.	19	11	Notice of hearing (1/29)	440
Jan.	30	18	Placed on General File	567
Feb.	20	30	Advanced for Review	871
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1041
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 42-0-7	1218
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1078. By Ashford

Jan.	9	4	Read first time	244
Jan.	10	5	Referred to Committee on Banking, Commerce and Insurance	267
Jan.	12	7	Notice of hearing (1/22)	312
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1079. By Hall

Jan.	9	4	Read first time	244
Jan.	10	5	Referred to Committee on Revenue	267
Jan.	17	9	Notice of hearing (1/25)	358
Jan.	18	10	Notice of hearing (1/25) (Cancel)	398
Jan.	24	14	Notice of hearing (2/15)	487
Feb.	20	30	Indefinitely postponed	874

LEGISLATIVE BILL 1080. By Schellpeper

Jan.	10	5	Read first time	254
Jan.	11	6	Referred to Committee on Health and Human Services	278
Jan.	17	9	Notice of hearing (1/26)	359
Jan.	31	19	Placed on General File - Com AM2310	593
Feb.	14	27	Schellpeper priority bill	797
Feb.	20	30	Committee AM2310 adopted. Coordsen AM2593 withdrawn. Advanced for Review	862
Feb.	20	30	Haberman name added	867
Feb.	22	32	Placed on Select File - AM7160	904
Mar.	1	37	Coordsen AM2765 printed	1080
Mar.	5	39	Coordsen AM2800 printed	1164
Mar.	7	41	AM7160 (E & R) adopted. Coordsen pending AM2765 p. 1080 withdrawn. Coordsen pending AM2800 p. 1164	

			adopted. Advanced for Engrossment	1241
Mar.	12	43	Correctly Engrossed	1309
Mar.	12	43	ER6268 change	1311
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 43-0-6	1830
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Approved by Governor (4/6)	1985

LEGISLATIVE BILL 1080A. By Schellpeper

Feb.	15	28	Read first time. Placed on General File	834
Feb.	20	30	Advanced for Review	864
Feb.	22	32	Placed on Select File	905
Mar.	7	41	Advanced for Engrossment	1241
Mar.	12	43	Correctly Engrossed	1309
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 43-0-6	1831
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Returned by Governor without approval (4/6)	1991

LEGISLATIVE BILL 1081. By Elmer, Smith

Jan.	10	5	Read first time	254
Jan.	11	6	Referred to Committee on Government, Military and Veterans Affairs	278
Jan.	19	11	Notice of hearing (2/7)	441
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1082. By R. Johnson

Jan.	10	5	Read first time	254
Jan.	11	6	Referred to Committee on Revenue	278
Jan.	24	14	Notice of hearing (2/14)	487
Feb.	15	28	Indefinitely postponed	834

LEGISLATIVE BILL 1083. By Dierks

Jan.	10	5	Read first time	255
Jan.	11	6	Referred to Committee on Transportation	278
Jan.	19	11	Notice of hearing (2/6)	440
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1084. By Wesely, Schimek

Jan.	10	5	Read first time	255
Jan.	11	6	Referred to Committee on Government, Military and Veterans Affairs	278
Jan.	18	10	Notice of hearing (1/25)	388
Feb.	6	23	Placed on General File	667
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1085. By Health and Human Services Committee

Jan.	10	5	Read first time	255
Jan.	11	6	Referred to Committee on Health and Human Services	278
Jan.	17	9	Notice of hearing (1/25)	359
Jan.	30	18	Placed on General File - Com AM2306	563
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1085A. By Wesely

Feb.	12	25	Read first time. Placed on General File	748
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1086. By Hartnett

Jan.	10	5	Read first time	255
Jan.	11	6	Referred to Committee on Education	278
Jan.	29	17	Notice of hearing (2/12)	558
Feb.	13	26	Placed on General File	779
Feb.	20	30	Advanced for Review	873
Feb.	23	33	Placed on Select File - AM7161	943
Feb.	28	36	AM7161 (E & R) adopted. Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 39-0-10	1257
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273

Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1087. By Hartnett, Withem

Jan.	10	5	Read first time	255
Jan.	11	6	Referred to Committee on Transportation	278
Jan.	19	11	Notice of hearing (2/5)	440
Feb.	7	24	Indefinitely postponed	724

LEGISLATIVE BILL 1088. By Wesely

Jan.	10	5	Read first time	256
Jan.	11	6	Referred to Committee on Banking, Commerce and Insurance	278
Jan.	12	7	Notice of hearing (1/22)	312
Jan.	23	13	Placed on General File	471
Mar.	30	55	Haberman name added	1761
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1089. By Wehrbein

Jan.	10	5	Read first time	256
Jan.	11	6	Referred to Committee on Health and Human Services	278
Jan.	25	15	Notice of hearing (2/16)	500
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 1090. By Education Committee

Jan.	10	5	Read first time	256
Jan.	11	6	Referred to Committee on Education	278
Jan.	19	11	Notice of hearing (1/29)	434
Feb.	13	26	Placed on General File - Com AM2520	779
Feb.	14	27	Education Committee priority bill	797
Feb.	21	31	Baack AM2626 to committee AM2520 printed	893
Feb.	21	31	Baack-Hartnett AM2637 to committee AM2520 printed	901
Feb.	22	32	Committee AM2520 adopted as amended by Baack pending AM2626 p. 893, Baack-Hartnett pending AM2637 p. 901, and Bernard-Stevens AM2647. Advanced for Review	927
Feb.	26	34	Placed on Select File - AM7171	979
Feb.	28	36	Lindsay AM2757 printed	1057
Mar.	8	42	McFarland AM2914 printed	1275

Mar.	13	44	Withem AM3000 printed	1349
Mar.	19	48	AM7171 (E & R) adopted. Lindsay pending AM2757 p. 1057, McFarland pending AM2914 p. 1275, and Withem pending AM3000 p. 1349 adopted. Advanced for Engrossment	1434
Mar.	22	51	Correctly Engrossed	1572
Mar.	22	51	ER6272 change	1573
Mar.	30	55	Hall AM3144 printed	1771
Apr.	2	56	Hall AM3297 printed separate	1805
Apr.	5	59	Hall pending AM3144 p. 1771 and pending AM3297 p. 1805 withdrawn. Final Reading 40-5-4	1950
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 1090A. By Bernard-Stevens, Baack

Feb.	28	36	Read first time. Placed on General File	1060
Mar.	6	40	Advanced for Review	1173
Mar.	7	41	Placed on Select File	1236
Mar.	19	48	Bernard-Stevens AM2997 adopted. Advanced for Engrossment	1435
Mar.	22	51	Correctly Engrossed	1572
Apr.	5	59	Final Reading 31-10-8	1952
Apr.	5	59	President signed	1959
Apr.	5	59	Presented to Governor (4/5)	1965
Apr.	9	60	Approved by Governor with line-item veto (4/7)	1996
Apr.	16	AJ	Communication	2074
Apr.	16	AJ	Message from Secretary of State. Certificate	2100

LEGISLATIVE BILL 1091. By L. Johnson

Jan.	10	5	Read first time	259
Jan.	11	6	Referred to Committee on Judiciary	278
Jan.	31	19	Notice of hearing (2/21)	595
Feb.	13	26	Pirsch name added	782
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1092. By Coordsen, Byars, Morrissey

Jan.	10	5	Read first time	260
Jan.	11	6	Referred to Committee on Appropriations	278
Jan.	25	15	Notice of hearing (2/7)	512

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1093. By Lindsay

Jan.	10	5	Read first time	260
Jan.	11	6	Referred to Committee on Urban Affairs	278
Jan.	23	13	Notice of hearing (2/13)	464
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1094. By Haberman

Jan.	10	5	Read first time	260
Jan.	11	6	Referred to Committee on Banking, Commerce and Insurance	278
Jan.	22	12	Notice of hearing (1/29)	452
Jan.	31	19	Placed on General File - Com AM2337	611
Feb.	15	28	Haberman priority bill	806
Feb.	20	30	Committee AM2337 adopted. Advanced for Review	864
Feb.	22	32	Placed on Select File - AM7149	905
Mar.	5	39	Conway AM2779 printed	1164
Mar.	7	41	AM7149 (E & R) adopted. Conway pending AM2779 p. 1164 adopted. Advanced for Engrossment	1241
Mar.	12	43	Correctly Engrossed	1309
Mar.	12	43	ER6270 change	1311
Mar.	19	48	Final Reading 40-2-7	1417
Mar.	19	48	President signed	1428
Mar.	19	48	Presented to Governor (3/19)	1435
Mar.	21	50	Approved by Governor (3/21)	1549

LEGISLATIVE BILL 1095. By Lynch

Jan.	10	5	Read first time	260
Jan.	11	6	Referred to Committee on Judiciary	278
Jan.	31	19	Notice of hearing (2/22)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1096. By Beck

Jan.	10	5	Read first time	264
Jan.	11	6	Referred to Committee on Government, Military and Veterans Affairs	278
Jan.	19	11	Notice of hearing (2/15)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1097. By Goodrich, Lynch

Jan.	10	5	Read first time	264
Jan.	11	6	Referred to Committee on Government, Military and Veterans Affairs	278
Jan.	19	11	Notice of hearing (2/22)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1098. By Schimek, Crosby

Jan.	10	5	Read first time	270
Jan.	11	6	Referred to Committee on Urban Affairs	278
Jan.	16	8	Notice of hearing (1/23)	344
Jan.	25	15	Placed on General File	513
Feb.	7	24	Advanced for Review	715
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	821
Feb.	27	35	Final Reading 39-0-10	1019
Feb.	27	35	Speaker signed	1021
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 1099. By Schmit, R. Johnson

Jan.	10	5	Read first time	273
Jan.	11	6	Referred to Committee on Natural Resources	278
Jan.	18	10	Notice of hearing (1/25)	373
Feb.	16	29	Natural Resources Committee priority bill	852
Feb.	21	31	Placed on General File - Com AM2594	895
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1099A. By Schmit

Mar.	19	48	Read first time. Placed on General File	1434
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1100. By Smith

Jan.	10	5	Read first time	273
Jan.	11	6	Referred to Committee on General Affairs	278
Jan.	12	7	Notice of hearing (1/22)	303
Feb.	26	34	Indefinitely postponed	980

LEGISLATIVE BILL 1101. By Smith

Jan.	10	5	Read first time	273
Jan.	11	6	Referred to Committee on General Affairs	278
Jan.	12	7	Notice of hearing (1/29)	303
Jan.	31	19	Placed on General File - Com AM2344	607
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1102. By Elmer

Jan.	11	6	Read first time	279
Jan.	17	9	Referred to Committee on General Affairs	348
Jan.	23	13	Notice of hearing (2/5)	472
Feb.	7	24	Placed on General File	703
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File - AM7159	907
Feb.	28	36	AM7159 (E & R) adopted. Advanced for Engrossment	1042
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 42-0-7	1219
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1103. By Langford

Jan.	11	6	Read first time	279
Jan.	17	9	Referred to Committee on Judiciary	348
Jan.	31	19	Notice of hearing (2/15)	595
Feb.	16	29	Indefinitely postponed	848

LEGISLATIVE BILL 1104. By Nebraska Retirement Systems

Jan.	11	6	Read first time	279
Jan.	17	9	Referred to Committee on Nebraska Retirement Systems	348
Jan.	17	9	Notice of hearing (1/24)	358
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1105. By Haberman

Jan.	11	6	Read first time	280
Jan.	17	9	Referred to Committee on Nebraska Retirement Systems	349

Jan.	22	12	Notice of hearing (2/5)	543
Feb.	7	24	Placed on General File	722
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File	930
Feb.	28	36	Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	2	38	ER6251 change	1121
Mar.	8	42	Final Reading 39-0-10	1258
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1106. By Goodrich

Jan.	11	6	Read first time	280
Jan.	17	9	Referred to Committee on Urban Affairs	349
Jan.	23	13	Notice of hearing (1/30)	464
Feb.	12	25	Placed on General File - Com AM2412	754
Feb.	16	29	Urban Affairs Committee priority bill	850
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1107. By Government, Military and Veterans Affairs Committee

Jan.	11	6	Read first time	280
Jan.	17	9	Referred to Committee on Government, Military and Veterans Affairs	349
Jan.	17	9	Notice of hearing (1/24)	358
Feb.	13	26	Placed on General File - Com AM2499	771
Mar.	16	47	Labedz AM2927 to committee AM2499 printed	1396
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1108. By McFarland

Jan.	11	6	Read first time	280
Jan.	17	9	Referred to Committee on Education	349
Jan.	19	11	Notice of hearing (2/5)	434
Feb.	7	24	Placed on General File - Com AM2418	705
Apr.	9	60	Indefinitely postponed (Amended into LB 1090 by AM2914)	2068

LEGISLATIVE BILL 1109. By McFarland

Jan.	11	6	Read first time	280

Jan.	17	9	Referred to Committee on Education	349
Jan.	19	11	Notice of hearing (2/5)	434
Feb.	7	24	Placed on General File	705
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	2	38	ER6252 change	1121
Mar.	2	38	McFarland AM2783 printed	1127
Apr.	9	60	McFarland pending AM2783 p. 1127 withdrawn. Final Reading 38-0-11	1998
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Governor (4/9)	2031
Apr.	16	AJ	Approved by Governor (4/12)	2070
Apr.	16	AJ	Message from Secretary of State	2105
Apr.	16	AJ	Certificate	2106

LEGISLATIVE BILL 1110. By McFarland, Schimek

Jan.	11	6	Read first time	281
Jan.	17	9	Referred to Committee on Banking, Commerce and Insurance	349
Jan.	22	12	Notice of hearing (2/5)	452
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1111. By McFarland

Jan.	11	6	Read first time	281
Jan.	17	9	Referred to Committee on Health and Human Services	349
Jan.	25	15	Notice of hearing (2/7)	500
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 1112. By Lynch

Jan.	11	6	Read first time	283
Jan.	17	9	Referred to Committee on Health and Human Services	349
Jan.	18	10	Notice of hearing (2/2)	397
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 1113. By Wesely, Schimek

Jan.	11	6	Read first time	283
Jan.	17	9	Referred to Committee on Judiciary	349

Jan.	23	13	Chambers name added	478
Jan.	24	14	Notice of hearing (2/1)	486
Feb.	15	28	Placed on General File	829
Feb.	16	29	Judiciary Committee priority bill	850
Feb.	23	33	Attorney General's Opinion #90013 to Wesely	947
Feb.	23	33	Wesely AM2649 printed	968
Mar.	7	41	Wesely AM2782 printed	1222
Apr.	2	56	Wesely pending AM2649 p. 968 withdrawn. Wesely pending AM2782 p. 1222 and Moore FA446 adopted	1789
Apr.	2	56	Advanced for Review	1792
Apr.	3	57	Placed on Select File - AM7204	1848
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1113A. By Wesely

Mar.	8	42	Read first time. Placed on General File	1295
Apr.	2	56	Moore FA447 adopted. Advanced for Review	1792
Apr.	3	57	Placed on Select File	1849
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1114. By Beck, Crosby, Wehrbein, Haberman

Jan.	11	6	Read first time	286
Jan.	17	9	Referred to Committee on Judiciary	349
Jan.	17	9	Lamb motion to rerefer to Transportation Committee laid over	366
Jan.	19	11	Lamb pending motion p. 366 lost	424
Jan.	31	19	Notice of hearing (2/21)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1115. By Elmer, Haberman, Labedz, Weihing, Smith, Conway

Jan.	11	6	Read first time	286
Jan.	17	9	Referred to Committee on Revenue	349
Jan.	17	9	Notice of hearing (1/25)	358
Jan.	18	10	Notice of hearing (1/25) (Cancel)	398
Jan.	24	14	Notice of hearing (2/15)	487
Feb.	15	28	Attorney General's Opinion #90007 to Elmer	800
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1116. By Korshoj

Jan.	11	6	Read first time	287
Jan.	17	9	Referred to Committee on Judiciary	349
Jan.	24	14	Notice of hearing (2/2)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1117. By Hefner

Jan.	11	6	Read first time	287
Jan.	17	9	Referred to Committee on Business and Labor	349
Jan.	19	11	Notice of hearing (2/5)	420
Feb.	7	24	Indefinitely postponed	690

LEGISLATIVE BILL 1118. By Bernard-Stevens, Baack, Hefner, Scofield

Jan.	11	6	Read first time	292
Jan.	17	9	Referred to Committee on Government, Military and Veterans Affairs	349
Jan.	17	9	Notice of hearing (1/24)	358
Jan.	25	15	Placed on General File	513
Feb.	7	24	Advanced for Review	714
Feb.	12	25	Placed on Select File	738
Feb.	13	26	Advanced for Engrossment	768
Feb.	15	28	Correctly Engrossed	799
Feb.	27	35	Final Reading 40-0-9	1020
Feb.	27	35	Speaker signed	1021
Feb.	27	35	Presented to Governor (2/27)	1031
Mar.	2	38	Approved by Governor (3/2)	1127

LEGISLATIVE BILL 1119. By Rogers, Lamb

Jan.	11	6	Read first time	292
Jan.	17	9	Referred to Committee on Transportation	349
Jan.	19	11	Notice of hearing (1/29)	440
Feb.	7	24	Placed on General File	723
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File	930
Feb.	28	36	Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 40-0-9	1259
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1120. By Withem, Hartnett

Jan.	11	6	Read first time	292
Jan.	17	9	Referred to Committee on General Affairs	349
Jan.	23	13	Notice of hearing (2/12)	472
Feb.	21	31	Indefinitely postponed	899

LEGISLATIVE BILL 1121. By Withem, Hartnett

Jan.	11	6	Read first time	292
Jan.	17	9	Referred to Committee on Government, Military and Veterans Affairs	349
Jan.	18	10	Notice of hearing (1/25)	388
Jan.	26	16	Placed on General File	532
Apr.	9	60	Indefinitely postponed	2068
			(Amended into LB 81 by AM2440)	

LEGISLATIVE BILL 1122. By Beyer

Jan.	11	6	Read first time	292
Jan.	17	9	Referred to Committee on Revenue	349
Jan.	24	14	Notice of hearing (2/21)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1123. By Moore

Jan.	12	7	Read first time	303
Jan.	17	9	Referred to Committee on Banking, Commerce and Insurance	349
Jan.	22	12	Notice of hearing (2/5)	452
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE BILL 1124. By Schmit

Jan.	12	7	Read first time	305
Jan.	17	9	Referred to Committee on Revenue	349
Jan.	24	14	Notice of hearing (2/14)	487
Jan.	24	14	Smith name added	492
Feb.	1	20	Smith priority bill	616
Mar.	5	39	Placed on General File - Com AM2758	1152
Mar.	30	55	Warner AM3283 to committee AM2758 printed	1780
Apr.	2	56	Committee AM2758 adopted as amended by Warner pending AM3283 p. 1780. Advanced for Review	1789

Apr. 2	56	Placed on Select File - AM7203	1801
Apr. 4	58	Attorney General's Opinion #90027 to Crosby	1888
Apr. 4	58	AM7203 (E & R) adopted. Schmit AM3369 (on file) adopted. Lindsay AM3356 (on file) ruled not germane. Advanced for Engrossment	1892
Apr. 4	58	Correctly Engrossed. ER6306 change	1902
Apr. 9	60	Barrett motion to suspend rules prevailed	1998
Apr. 9	60	Failed on Final Reading 21-24-4	2001
Apr. 9	60	Schmit motion to reconsider vote on Final Reading prevailed. Final Reading 30-14-5	2007
Apr. 9	60	President signed	2024
Apr. 9	60	Presented to Governor (4/9)	2031
Apr. 16	AJ	Approved by Governor (4/14)	2072
Apr. 16	AJ	Message from Secretary of State	2106
Apr. 16	AJ	Certificate	2107

LEGISLATIVE BILL 1125. By Appropriations Committee

Jan. 12	7	Read first time	305
Jan. 17	9	Referred to Committee on Appropriations	349
Jan. 25	15	Notice of hearing (2/7)	512
Mar. 2	38	Placed on General File	1131
Mar. 15	46	Advanced for Review	1388
Mar. 19	48	Placed on Select File - AM7189	1439
Mar. 21	50	AM7189 (E & R) adopted. Advanced for Engrossment	1568
Mar. 27	52	Correctly Engrossed	1597
Mar. 29	54	Barrett motion to suspend rules prevailed	1683
Mar. 29	54	Final Reading w/E 41-0-8	1684
Mar. 29	54	Speaker signed	1694
Mar. 29	54	Presented to Governor (3/29)	1714
Apr. 4	58	Approved by Governor (4/4)	1905

LEGISLATIVE BILL 1126. By Health and Human Services Committee

Jan. 12	7	Read first time	312
Jan. 17	9	Referred to Committee on Appropriations	349
Jan. 25	15	Notice of hearing (2/6)	512
Mar. 6	40	Placed on General File - Com AM2849	1178
Mar. 15	46	Committee AM2849 adopted. Advanced for Review	1391
Mar. 19	48	Placed on Select File	1439
Mar. 21	50	Advanced for Engrossment	1568

Mar.	27	52	Correctly Engrossed	1597
Mar.	29	54	Barrett motion to suspend rules prevailed	1683
Mar.	29	54	Final Reading 45-0-4	1688
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1920
Apr.	9	60	Wesely motion to override veto passed 38-0-11	2042
Apr.	9	60	Communication and Certificate	2060
Apr.	16	AJ	Message from Secretary of State	2082
Apr.	16	AJ	Certificate	2083

LEGISLATIVE BILL 1127. By Schmit

Jan.	12	7	Read first time	315
Jan.	17	9	Referred to Committee on Judiciary	349
Jan.	31	19	Notice of hearing (2/23)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1128. By Lynch, Hall, Hartnett

Jan.	12	7	Read first time	315
Jan.	17	9	Referred to Committee on General Affairs	349
Jan.	23	13	Notice of hearing (2/12)	472
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1129. By Wesely, Warner

Jan.	12	7	Read first time	316
Jan.	17	9	Referred to Committee on Health and Human Services	349
Jan.	18	10	Notice of hearing (1/31)	397
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1130. By Warner at the request of the Governor, Lamb, Wehrbein, Hannibal

Jan.	12	7	Read first time	316
Jan.	17	9	Referred to Committee on Revenue	349
Jan.	24	14	Notice of hearing (2/22)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1131. By Warner at the request of the Governor

Jan.	12	7	Read first time	316

Jan.	17	9	Referred to Committee on Revenue	349
Jan.	24	14	Notice of hearing (2/22)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1132. By Wesely

Jan.	12	7	Read first time	316
Jan.	17	9	Referred to Committee on Health and Human Services	349
Jan.	18	10	Notice of hearing (2/2)	397
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 1133. By Haberman

Jan.	12	7	Read first time	317
Jan.	17	9	Referred to Committee on Transportation	349
Jan.	19	11	Notice of hearing (2/5)	440
Feb.	7	24	Indefinitely postponed	724

LEGISLATIVE BILL 1134. By Morrissey

Jan.	12	7	Read first time	326
Jan.	17	9	Referred to Committee on Transportation	349
Jan.	19	11	Notice of hearing (2/6)	440
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1135. By Goodrich

Jan.	12	7	Read first time	326
Jan.	17	9	Referred to Committee on Business and Labor	349
Jan.	19	11	Notice of hearing (1/29)	420
Jan.	31	19	Indefinitely postponed	584

LEGISLATIVE BILL 1136. By Landis

Jan.	16	8	Read first time	329
Jan.	18	10	Referred to Committee on Banking, Commerce and Insurance	373
Jan.	22	12	Notice of hearing (2/13)	452
Feb.	16	29	Landis priority bill	839
Feb.	22	32	Placed on General File - Com AM2585 (printed separate)	930
Mar.	2	38	Committee AM2585 adopted. Advanced for Review	1129
Mar.	2	38	Landis AM2781 printed separate	1137

Mar.	7	41	Placed on Select File - AM7183	1233
Mar.	8	42	Landis AM2918 printed separate	1289
Mar.	13	44	Landis AM2973 printed separate	1325
Mar.	22	51	AM7183 (E & R) adopted. Landis pending AM2781 p. 1137 and pending AM2918 p. 1289 withdrawn. Landis pending AM2973 p. 1325 - request for division withdrawn - amendment adopted. Wesely AM3168 to committee AM2585 adopted. Advanced for Engrossment	1589
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6284 change	1601
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 44-0-5	1844
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Approved by Governor (4/6)	1985

LEGISLATIVE BILL 1137. By Kristensen

Jan.	16	8	Read first time	329
Jan.	18	10	Referred to Committee on Judiciary	373
Jan.	24	14	Notice of hearing (1/31)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1138. By Kristensen

Jan.	16	8	Read first time	329
Jan.	18	10	Referred to Committee on Natural Resources	373
Jan.	24	14	Attorney General's Opinion #90004 to Kristensen	491
Jan.	26	16	Notice of hearing (2/14)	533
Feb.	13	26	Schmit motion to suspend rules prevailed. Notice of hearing (2/15) (Reset)	769
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1139. By Robak

Jan.	16	8	Read first time	329
Jan.	18	10	Referred to Committee on Transportation	373
Jan.	19	11	Notice of hearing (2/6)	440
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1140. By Lynch, Robak, Schimek, Schmit

Jan.	16	8	Read first time	331
Jan.	18	10	Referred to Committee on Revenue	373
Jan.	24	14	Notice of hearing (2/2)	487
Jan.	25	15	Hartnett name added	512
Feb.	6	23	Withem name added	684
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1141. By Withem, Warner, Lindsay, Weihing, Barrett

Jan.	16	8	Read first time	331
Jan.	18	10	Referred to Committee on Education	373
Jan.	19	11	Notice of hearing (2/6)	434
Feb.	13	26	Warner priority bill	781
Feb.	15	28	Placed on General File - Com AM2555 (printed separate)	834
Mar.	7	41	McFarland AM2713 (1) to committee AM2555 and AM2684 (2) printed	1225
Mar.	7	41	McFarland AM2704 (3), AM2714 (4), and AM2720 (5) printed	1226
Mar.	7	41	McFarland AM2718 (6) and AM2715 (7) printed	1227
Mar.	7	41	McFarland AM2716 (8), AM2717 (9), and AM2721 (10) printed	1228
Mar.	7	41	McFarland AM2722 (11) and AM2719 (12) printed	1230
Mar.	12	43	Crosby AM2890 to committee AM2555 printed	1304
Mar.	13	44	Warner-Withem AM2975 printed	1333
Mar.	16	47	McFarland AM2713 (1), AM2684 (2), AM2704 (3), AM2714 (4), AM2720 (5), AM2718 (6), AM2715 (7), AM2716 (8), AM2717 (9), AM2721 (10), AM2722 (11), and AM2719 (12) on pages 1225-1230 withdrawn. Crosby pending AM2890 p. 1304 sustained division of question. Crosby FA409 and FA410 lost. Committee AM2555 adopted. Warner-Withem pending AM2975 p. 1333 adopted. Coordsen AM3039 withdrawn. Advanced for Review	1397
Mar.	21	50	Placed on Select File - AM7196 (printed separate)	1548
Mar.	21	50	Warner AM3106 to AM7196 printed	1569
Mar.	28	53	Coordsen FA430 printed	1671

Mar.	28	53	Attorney General's Opinion #90026 to Coordsen	1676
Apr.	3	57	Passed over	1854
Apr.	3	57	Warner AM3226 printed	1863
Apr.	4	58	AM7196 (E & R) adopted. Warner request to substitute amendment prevailed. Warner pending AM3106 p. 1569 withdrawn. Warner substitute AM3226 p. 1863 ruled germane and adopted. Conway FA458 lost. Coordsen pending FA430 p. 1671 withdrawn. Advanced for Engrossment	1884
Apr.	4	58	Correctly Engrossed	1902
Apr.	4	58	ER6305 change	1903
Apr.	5	59	Conway AM3371 printed	1961
Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	Warner motion to suspend rules to permit consideration of Conway AM3375 prevailed. Conway AM3375 adopted. Conway pending AM3371 p. 1961 withdrawn	2011
Apr.	9	60	Correctly Re-Engrossed	2013
Apr.	9	60	Final Reading 35-12-2	2014
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Secretary of State (4/9)	2031
Apr.	9	60	Message from Secretary of State	2055

LEGISLATIVE BILL 1141A. By Warner

Mar.	5	39	Read first time. Placed on General File	1146
Mar.	16	47	Advanced for Review	1399
Mar.	21	50	Placed on Select File	1548
Apr.	3	57	Passed over	1854
Apr.	4	58	Speaker ordered removal from agenda	1892
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1142. By Nelson, Wesely, Hall

Jan.	16	8	Read first time	332
Jan.	18	10	Referred to Committee on Revenue	373
Jan.	24	14	Notice of hearing (2/2)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1143. By Lamb

Jan.	16	8	Read first time	332
Jan.	18	10	Referred to Committee on Appropriations	373
Jan.	25	15	Notice of hearing (2/5)	512

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1144. By Lindsay

Jan.	16	8	Read first time	332
Jan.	18	10	Referred to Committee on Judiciary	373
Jan.	31	19	Notice of hearing (2/22)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1145. By Morrissey, McFarland

Jan.	16	8	Read first time	332
Jan.	18	10	Referred to Committee on Judiciary	373
Jan.	31	19	Notice of hearing (2/16)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1146. By Schmit

Jan.	16	8	Read first time	332
Jan.	18	10	Referred to Committee on Banking, Commerce and Insurance	373
Jan.	22	12	Notice of hearing (1/29)	452
Jan.	30	18	Placed on General File	576
Feb.	16	29	Lynch priority bill	852
Feb.	20	30	Schmit FA367 sustained division of question. Schmit FA368 and FA369 adopted. Landis FA370 to FA369 lost. Advanced for Review	858
Feb.	21	31	Placed on Select File - AM7150	900
Feb.	22	32	Wesely AM2635 printed	937
Feb.	27	35	Conway AM2679 printed	1005
Mar.	6	40	Lynch AM2834 printed	1185
Mar.	7	41	AM7150 (E & R) adopted. Wesely pending AM2635 p. 937 lost. Conway pending AM2679 p. 1005 and Lynch pending AM2834 p. 1185 ruled not germane. Landis AM2883 and Schmit FA399 adopted. Landis motion to indefinitely postpone laid over	1236
Mar.	19	48	Landis pending motion p. 1238 withdrawn. Schmit-Wesely AM3043 and Lynch AM3052 adopted. Advanced for Engrossment	1428
Mar.	21	50	Correctly Engrossed. ER6271 change	1548
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment,	

			motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading w/E 41-1-7	1835
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Approved by Governor (4/6)	1985

LEGISLATIVE BILL 1147. By Hannibal, Chambers

Jan.	16	8	Read first time	333
Jan.	18	10	Referred to Committee on Judiciary	373
Jan.	25	15	Notice of hearing (2/1)	508
Feb.	27	35	Placed on General File	999
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1148. By Smith, Nelson

Jan.	16	8	Read first time	340
Jan.	18	10	Referred to Committee on Government, Military and Veterans Affairs	373
Jan.	19	11	Notice of hearing (2/15)	441
Feb.	21	31	Indefinitely postponed	881

LEGISLATIVE BILL 1149. By Smith

Jan.	16	8	Read first time	341
Jan.	18	10	Referred to Committee on Banking, Commerce and Insurance	373
Jan.	22	12	Notice of hearing (2/5)	452
Feb.	6	23	Indefinitely postponed	679

LEGISLATIVE BILL 1150. By Morrissey, Dierks

Jan.	16	8	Read first time	341
Jan.	18	10	Referred to Committee on Natural Resources	373
Jan.	26	16	Notice of hearing (2/14)	533
Feb.	13	26	Schmit motion to suspend rules prevailed. Notice of hearing (2/15) (Reset)	769
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1151. By Morrissey, Dierks

Jan.	16	8	Read first time	341
Jan.	18	10	Referred to Committee on Judiciary	373

Jan.	24	14	Morrissey priority bill	483
Jan.	31	19	Notice of hearing (2/16)	595
Feb.	27	35	Placed on General File - Com AM2685	1001
Mar.	28	53	Dierks AM3202 to committee AM2685 printed	1669
Apr.	3	57	Labedz-Schmit motion to suspend rules and Place on Select File without amendments or debate prevailed	1819
Apr.	3	57	Chambers motion to reconsider the Labedz-Schmit motion lost	1820
Apr.	4	58	Chambers motion to overrule agenda and return to Gèneral File ruled in order and lost	1869
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1152. By Lindsay

Jan.	16	8	Read first time	341
Jan.	18	10	Referred to Committee on Judiciary	374
Jan.	19	11	Notice of hearing (1/26)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1153. By Barrett

Jan.	16	8	Read first time	341
Jan.	18	10	Referred to Committee on Banking, Commerce and Insurance	374
Jan.	22	12	Notice of hearing (2/6)	452
Feb.	16	29	Barrett priority bill	843
Feb.	16	29	Placed on General File - Com AM2572 (printed separate)	851
Mar.	13	44	Barrett AM2999 to committee AM2572 printed	1346
Mar.	14	45	Crosby AM2591 to committee AM2572 printed	1367
Mar.	27	52	Committee AM2572 adopted as amended by Barrett pending AM2999 p. 1346 and Crosby pending AM2591 p. 1367. Hartnett AM2483 adopted. Advanced for Review	1624
Mar.	29	54	Placed on Select File - AM7201	1736
Mar.	29	54	Byars AM3212 printed	1739
Mar.	30	55	Barrett AM3223 printed	1759
Apr.	3	57	AM7201 (E & R) adopted. Byars pending AM3212 p. 1739 and Barrett pending AM3223 p. 1759 adopted. Advanced for Engrossment	1856
Apr.	4	58	Correctly Engrossed	1878
Apr.	4	58	ER6297 change	1879

Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	Final Reading 44-0-5	2002
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Governor (4/9)	2031
Apr.	16	AJ	Approved by Governor (4/12)	2070
Apr.	16	AJ	Message from Secretary of State	2105
Apr.	16	AJ	Certificate	2106

LEGISLATIVE BILL 1153A. By Barrett

Feb.	27	35	Read first time. Placed on General File	992
Mar.	27	52	Advanced for Review	1625
Mar.	29	54	Placed on Select File - AM7202	1738
Apr.	3	57	AM7202 (E & R) adopted. Advanced for Engrossment	1856
Apr.	4	58	Correctly Engrossed	1878
Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	Final Reading 44-0-5	2003
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Governor (4/9)	2031
Apr.	16	AJ	Approved by Governor (4/12)	2070
Apr.	16	AJ	Message from Secretary of State	2105
Apr.	16	AJ	Certificate	2106

LEGISLATIVE BILL 1154. By Hannibal

Jan.	16	8	Read first time	342
Jan.	18	10	Referred to Committee on Revenue	374
Jan.	24	14	Notice of hearing (2/2)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1155. By Goodrich

Jan.	16	8	Read first time	342
Jan.	18	10	Referred to Committee on Government, Military and Veterans Affairs	374
Jan.	19	11	Notice of hearing (2/2)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1156. By Hall

Jan.	16	8	Read first time	342
Jan.	18	10	Referred to Committee on Revenue	374
Jan.	18	10	Notice of hearing (1/25)	397
Apr.	9	60	Indefinitely postponed (Amended into LB 1055 by FA420)	2068

LEGISLATIVE BILL 1157. By Hall

Jan.	16	8	Read first time	342
Jan.	18	10	Referred to Committee on General Affairs	374
Jan.	23	13	Notice of hearing (2/12)	472
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1158. By Goodrich

Jan.	17	9	Read first time	352
Jan.	18	10	Referred to Committee on Government, Military and Veterans Affairs	374
Jan.	19	11	Notice of hearing (2/14)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1159. By Hall

Jan.	17	9	Read first time	352
Jan.	18	10	Referred to Committee on General Affairs	374
Jan.	19	11	Notice of hearing (1/29)	442
Feb.	26	34	Indefinitely postponed	980

LEGISLATIVE BILL 1160. By Landis

Jan.	17	9	Read first time	352
Jan.	18	10	Referred to Committee on Banking, Commerce and Insurance	374
Jan.	22	12	Notice of hearing (2/12)	452
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1161. By Rogers, Robak, Beyer

Jan.	17	9	Read first time	352
Jan.	18	10	Referred to Committee on Banking, Commerce and Insurance	374
Jan.	22	12	Notice of hearing (2/12)	452
Jan.	24	14	Hefner name added	493
Feb.	14	27	Placed on General File - Com AM2522	794
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1162. By Smith, Hall, Lynch

Jan.	17	9	Read first time	359
Jan.	18	10	Referred to Committee on Health and	

			Human Services	374
Jan.	25	15	Notice of hearing (2/15)	500
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 1163. By McFarland

Jan.	17	9	Read first time	359
Jan.	18	10	Referred to Committee on Judiciary	374
Jan.	31	19	Notice of hearing (2/23)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1164. By McFarland

Jan.	17	9	Read first time	359
Jan.	18	10	Referred to Committee on Natural Resources	374
Jan.	26	16	Notice of hearing (2/15)	533
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1165. By Hall

Jan.	17	9	Read first time	360
Jan.	18	10	Referred to Committee on Banking, Commerce and Insurance	374
Jan.	22	12	Notice of hearing (2/6)	452
Feb.	7	24	Placed on General File	707
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File - AM7157	908
Feb.	28	36	AM7157 (E & R) adopted. Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 40-0-9	1260
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1166. By Hall

Jan.	17	9	Read first time	360
Jan.	18	10	Referred to Committee on Judiciary	374
Jan.	24	14	Notice of hearing (1/31)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1167. By Moore, Nelson

Jan.	17	9	Read first time	360
Jan.	18	10	Referred to Committee on Health and Human Services	374
Jan.	25	15	Notice of hearing (2/14)	500
Feb.	15	28	Placed on General File	824
Feb.	20	30	Advanced for Review	873
Feb.	23	33	Placed on Select File - AM7162	943
Feb.	28	36	AM7162 (E & R) adopted. Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 40-0-9	1261
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1168. By Schmit, Baack

Jan.	17	9	Read first time	360
Jan.	18	10	Referred to Committee on Natural Resources	374
Jan.	19	11	Notice of hearing (1/26)	434
Feb.	7	24	Indefinitely postponed	698

LEGISLATIVE BILL 1169. By Hefner

Jan.	17	9	Read first time	360
Jan.	18	10	Referred to Committee on Revenue	374
Jan.	24	14	Notice of hearing (2/22)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1170. By Appropriations Committee

Jan.	17	9	Read first time	367
Jan.	18	10	Referred to Committee on Appropriations	374
Jan.	25	15	Notice of hearing (2/6)	512
Mar.	2	38	Placed on General File - Com AM2680	1131
Mar.	15	46	Committee AM2680 adopted. Advanced for Review	1388
Mar.	19	48	Placed on Select File - AM7188	1439
Mar.	21	50	AM7188 (E & R) adopted. Advanced for Engrossment	1568
Mar.	27	52	Correctly Engrossed	1597
Mar.	29	54	Barrett motion to suspend rules prevailed	1683
Mar.	29	54	Final Reading w/E 41-0-8	1685

Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Returned by Governor without approval (4/4)	1918
Apr.	9	60	Scofield motion to override veto passed 36-5-8	2052
Apr.	9	60	Communication and Certificate	2057
Apr.	16	AJ	Message from Secretary of State	2090
Apr.	16	AJ	Certificate	2091

LEGISLATIVE BILL 1171. By Bernard-Stevens

Jan.	17	9	Read first time	367
Jan.	18	10	Referred to Committee on Urban Affairs	374
Jan.	23	13	Notice of hearing (2/6)	464
Feb.	13	26	Indefinitely postponed	780

LEGISLATIVE BILL 1172. By Chambers

Jan.	17	9	Read first time	368
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	418
Jan.	19	11	Notice of hearing (2/2)	441
Feb.	13	26	Placed on General File - Com AM2500	772
Feb.	16	29	Government, Military and Veterans Affairs Committee priority bill	843
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1173. By Hefner, Coordsen

Jan.	17	9	Read first time	368
Jan.	19	11	Referred to Committee on Business and Labor	418
Jan.	22	12	Notice of hearing (2/5)	452
Feb.	15	28	Placed on General File - Com AM2554 (printed separate)	829
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1174. By Crosby

Jan.	17	9	Read first time	368
Jan.	19	11	Referred to Committee on Judiciary	418
Jan.	24	14	Notice of hearing (1/31)	486
Feb.	21	31	Placed on General File - Com AM2375	896
Apr.	9	60	Indefinitely postponed (Amended into LB 1153 by AM2591)	2068

LEGISLATIVE BILL 1175. By Crosby

Jan.	17	9	Read first time	368
Jan.	19	11	Referred to Committee on Revenue	419
Jan.	24	14	Notice of hearing (2/21)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1176. By Crosby

Jan.	17	9	Read first time	368
Jan.	19	11	Referred to Committee on Revenue	419
Jan.	24	14	Notice of hearing (2/21)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1177. By Chambers

Jan.	17	9	Read first time	369
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	419
Jan.	19	11	Notice of hearing (2/7)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1178. By Business and Labor Committee

Jan.	17	9	Read first time	369
Jan.	19	11	Referred to Committee on Business and Labor	419
Jan.	22	12	Notice of hearing (2/5)	452
Feb.	7	24	Placed on General File	688
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File	907
Feb.	28	36	Advanced for Engrossment	1042
Mar.	1	37	Correctly Engrossed	1074
Mar.	7	41	Final Reading 42-0-7	1220
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1179. By Schmit

Jan.	17	9	Read first time	369
Jan.	19	11	Referred to Committee on Natural Resources	419
Jan.	25	15	Notice of hearing (2/2)	496
Feb.	16	29	Natural Resources Committee priority bill	852

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1180. By L. Johnson

Jan.	17	9	Read first time	369
Jan.	19	11	Referred to Committee on Education	419
Jan.	19	11	Notice of hearing (2/12)	442
Feb.	13	26	Indefinitely postponed	780

LEGISLATIVE BILL 1181. By Coordsen

Jan.	18	10	Read first time	374
Jan.	19	11	Referred to Committee on Natural Resources	419
Jan.	19	11	Notice of hearing (1/26)	434
Feb.	7	24	Indefinitely postponed	698

LEGISLATIVE BILL 1182. By Schellpeper

Jan.	18	10	Read first time	375
Jan.	19	11	Referred to Committee on Appropriations	419
Jan.	25	15	Notice of hearing (2/6)	512
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1183. By Byars

Jan.	18	10	Read first time	375
Jan.	19	11	Referred to Committee on Revenue	419
Jan.	24	14	Notice of hearing (2/2)	487
Feb.	15	28	Placed on General File	834
Feb.	20	30	Advanced for Review	873
Feb.	23	33	Placed on Select File - AM7166	944
Feb.	28	36	AM7166 (E & R) adopted. Advanced for Engrossment	1043
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading w/E 41-0-8	1261
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1184. By Scofield, Smith, Schimek, Dierks, Coordsen, Hall, Baack, Nelson, Bernard-Stevens, Weihing, Elmer, Rogers, Kristensen, Robak, Conway

Jan.	18	10	Read first time	375

Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	419
Jan.	19	11	Notice of hearing (1/31)	440
Feb.	13	26	Placed on General File - Com AM2517	773
Feb.	14	27	Scofield priority bill	797
Feb.	16	29	Scofield AM2565 to committee AM2517 printed	851
Mar.	2	38	Committee AM2517 adopted as amended by Scofield pending AM2565 p. 851. Advanced for Review	1123
Mar.	5	39	Placed on Select File - AM7180	1154
Mar.	7	41	AM7180 (E & R) adopted. Advanced for Engrossment	1248
Mar.	12	43	Correctly Engrossed	1309
Mar.	30	55	Haberman name added	1761
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading w/E 40-6-3	1832
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Approved by Governor (4/6)	1985

LEGISLATIVE BILL 1184A. By Scofield

Feb.	22	32	Read first time. Placed on General File	931
Mar.	2	38	Advanced for Review	1124
Mar.	5	39	Placed on Select File	1154
Mar.	7	41	Advanced for Engrossment	1248
Mar.	12	43	Correctly Engrossed	1309
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading w/E 38-5-6	1833
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Approved by Governor (4/6)	1985

LEGISLATIVE BILL 1185. By Beyer

Jan.	18	10	Read first time	375
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	419

Jan. 19 11 Notice of hearing (2/15) ... 441
Apr. 9 60 Indefinitely postponed ... 2068

LEGISLATIVE BILL 1186. By R. Johnson

Jan. 18 10 Read first time ... 375
Jan. 19 11 Referred to Committee on Transportation ... 419
Jan. 19 11 Notice of hearing (2/6) ... 440
Feb. 12 25 Placed on General File - Com AM2449 ... 746
Apr. 9 60 Indefinitely postponed ... 2068

LEGISLATIVE BILL 1186A. By R. Johnson

Mar. 20 49 Read first time. Placed on General File ... 1474
Apr. 9 60 Indefinitely postponed ... 2068

LEGISLATIVE BILL 1187. By R. Johnson

Jan. 18 10 Read first time ... 376
Jan. 19 11 Referred to Committee on Health and Human Services ... 419
Jan. 25 15 Notice of hearing (2/15) ... 500
Feb. 20 30 Placed on General File ... 875
Apr. 9 60 Indefinitely postponed ... 2068

LEGISLATIVE BILL 1188. By R. Johnson

Jan. 18 10 Read first time ... 376
Jan. 19 11 Referred to Committee on Health and Human Services ... 419
Jan. 25 15 Notice of hearing (2/15) ... 500
Apr. 9 60 Indefinitely postponed ... 2068

LEGISLATIVE BILL 1189. By R. Johnson

Jan. 18 10 Read first time ... 376
Jan. 19 11 Referred to Committee on Revenue ... 419
Jan. 24 14 Notice of hearing (1/31) ... 486
Apr. 9 60 Indefinitely postponed ... 2068

LEGISLATIVE BILL 1190. By R. Johnson

Jan. 18 10 Read first time ... 376
Jan. 19 11 Referred to Committee on Natural Resources ... 419
Jan. 19 11 Notice of hearing (1/26) ... 434

Feb.	7	24	Indefinitely postponed	698

LEGISLATIVE BILL 1191. By Schmit, Elmer

Jan.	18	10	Read first time	377
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	419
Jan.	22	12	Notice of hearing (2/13)	452
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1192. By Schmit

Jan.	18	10	Read first time	377
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	419
Jan.	22	12	Notice of hearing (2/12)	452
Jan.	24	14	Schmit motion to withdraw laid over	486
Jan.	25	15	Schmit pending motion p. 486 prevailed. Withdrawn	496
Jan.	25	15	Notice of hearing (2/12) (Cancel)	497

LEGISLATIVE BILL 1193. By Weihing

Jan.	18	10	Read first time	377
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	419
Jan.	22	12	Notice of hearing (2/12)	452
Feb.	14	27	Indefinitely postponed	794

LEGISLATIVE BILL 1194. By Chizek, Lynch

Jan.	18	10	Read first time	377
Jan.	19	11	Referred to Committee on Judiciary	419
Jan.	31	19	Notice of hearing (2/27)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1195. By Bernard-Stevens

Jan.	18	10	Read first time	378
Jan.	19	11	Referred to Committee on Education	419
Jan.	19	11	Notice of hearing (1/30)	442
Feb.	13	26	Placed on General File	780
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed (Amended into LB 1090 by AM2647)	2068

LEGISLATIVE BILL 1195A. By Bernard-Stevens

Feb.	20	30	Read first time. Placed on General File	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1196. By Bernard-Stevens

Jan.	18	10	Read first time	378
Jan.	19	11	Referred to Committee on Judiciary	419
Jan.	31	19	Notice of hearing (2/22)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1197. By Moore

Jan.	18	10	Read first time	378
Jan.	19	11	Referred to Committee on Education	419
Jan.	19	11	Notice of hearing (2/12)	442
Feb.	13	26	Indefinitely postponed	780

LEGISLATIVE BILL 1198. By Landis

Jan.	18	10	Read first time	378
Jan.	19	11	Referred to Committee on Appropriations	419
Jan.	25	15	Notice of hearing (2/6)	512
Mar.	2	38	Indefinitely postponed (Amended into LB 1031)	1135

LEGISLATIVE BILL 1199. By Landis

Jan.	18	10	Read first time	379
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	419
Jan.	22	12	Notice of hearing (1/29)	452
Jan.	30	18	Placed on General File	576
Feb.	6	23	Robak priority bill	680
Feb.	12	25	Advanced for Review	748
Feb.	13	26	Placed on Select File - AM7143	765
Feb.	23	33	AM7143 (E & R) adopted. Advanced for Engrossment	975
Feb.	28	36	Correctly Engrossed	1045
Mar.	7	41	Final Reading 43-0-6	1206
Mar.	7	41	Speaker signed	1221
Mar.	7	41	Presented to Governor (3/7)	1233
Mar.	12	43	Approved by Governor (3/12)	1306

LEGISLATIVE BILL 1200. By Kristensen

Jan.	18	10	Read first time	379
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	419
Jan.	19	11	Notice of hearing (2/7)	441
Jan.	25	15	Notice of hearing (2/15) (Reset)	499
Feb.	20	30	Speaker Barrett priority bill	867
Feb.	21	31	Placed on General File	881
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1201. By Robak

Jan.	18	10	Read first time	379
Jan.	19	11	Referred to Committee on Education	419
Jan.	19	11	Notice of hearing (2/12)	442
Feb.	13	26	Indefinitely postponed	773

LEGISLATIVE BILL 1202. By Hartnett

Jan.	18	10	Read first time	379
Jan.	19	11	Referred to Committee on Revenue	419
Jan.	24	14	Notice of hearing (2/7)	487
Feb.	20	30	Placed on General File	874
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1203. By Chizek, Bernard-Stevens

Jan.	18	10	Read first time	379
Jan.	19	11	Referred to Committee on Judiciary	419
Jan.	19	11	Notice of hearing (1/26)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1204. By Chizek

Jan.	18	10	Read first time	379
Jan.	19	11	Referred to Committee on Judiciary	419
Jan.	31	19	Notice of hearing (2/23)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1205. By Chizek, Ashford

Jan.	18	10	Read first time	380
Jan.	19	11	Referred to Committee on Judiciary	419

Jan.	31	19	Notice of hearing (2/14)	595
Feb.	16	29	Indefinitely postponed	848

LEGISLATIVE BILL 1206. By Schimek

Jan.	18	10	Read first time	380
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	419
Jan.	19	11	Notice of hearing (2/21)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1207. By Appropriations Committee

Jan.	18	10	Read first time	380
Jan.	19	11	Referred to Committee on Appropriations	419
Jan.	22	12	Notice of hearing (1/30)	453
Mar.	2	38	Indefinitely postponed	1135

LEGISLATIVE BILL 1208. By Chizek

Jan.	18	10	Read first time	380
Jan.	19	11	Referred to Committee on Revenue	419
Jan.	24	14	Notice of hearing (2/21)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1209. By Hartnett, Withem, Beyer

Jan.	18	10	Read first time	381
Jan.	19	11	Referred to Committee on Judiciary	419
Jan.	24	14	Notice of hearing (2/1)	486
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1210. By Warner

Jan.	18	10	Read first time	381
Jan.	19	11	Referred to Committee on Appropriations	419
Jan.	25	15	Notice of hearing (2/7)	512
Feb.	16	29	Appropriations Committee priority bill	843
Mar.	5	39	Placed on General File	1153
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1211. By Hannibal

Jan.	18	10	Read first time	381
Jan.	19	11	Referred to Committee on Appropriations	419

Jan.	25	15	Notice of hearing (2/7)	512
Feb.	16	29	Appropriations Committee priority bill	843
Mar.	2	38	Placed on General File - Com AM2764	1135
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1212. By Hannibal

Jan.	18	10	Read first time	381
Jan.	19	11	Referred to Committee on Judiciary	419
Jan.	31	19	Notice of hearing (2/23)	595
Jan.	31	19	Pirsch name added	611
Feb.	27	35	Placed on General File	999
Apr.	9	60	Indefinitely postponed (Amended into LB 220 by AM3050)	2068

LEGISLATIVE BILL 1213. By Hartnett, Beyer, Morrissey

Jan.	18	10	Read first time	381
Jan.	19	11	Referred to Committee on Natural Resources	419
Jan.	24	14	Notice of hearing (2/2)	491
Jan.	25	15	Notice of hearing (2/7) (Reset)	496
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1214. By Hartnett, Ashford

Jan.	18	10	Read first time	382
Jan.	19	11	Referred to Committee on Revenue	419
Jan.	24	14	Notice of hearing (2/2)	487
Feb.	7	24	Notice of hearing (2/14) (Rehearing)	690
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1215. By Hall

Jan.	18	10	Read first time	382
Jan.	19	11	Referred to Committee on Revenue	419
Feb.	16	29	Revenue Committee priority bill	850
Feb.	16	29	Notice of hearing (2/27)	851
Mar.	22	51	Lynch AM3133 printed separate	1576
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1216. By Baack

Jan.	18	10	Read first time	382
Jan.	19	11	Referred to Committee on Government,	

			Military and Veterans Affairs	419
Jan.	19	11	Notice of hearing (2/14)	441
Feb.	15	28	Placed on General File	823
Feb.	20	30	Advanced for Review	873
Feb.	23	33	Placed on Select File	943
Feb.	28	36	Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 40-0-9	1262
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1217. By Lindsay

Jan.	18	10	Read first time	382
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	419
Jan.	22	12	Notice of hearing (2/6)	452
Feb.	7	24	Placed on General File	707
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File	908
Feb.	28	36	Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 41-0-8	1263
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1218. By Schmit

Jan.	18	10	Read first time	382
Jan.	19	11	Referred to Committee on Revenue	419
Jan.	24	14	Notice of hearing (2/21)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1219. By L. Johnson, Beyer

Jan.	18	10	Read first time	383
Jan.	19	11	Referred to Committee on Revenue	420
Jan.	24	14	Notice of hearing (1/31)	487
Feb.	2	21	Placed on General File	648
Feb.	16	29	Attorney General's Opionion #90008 to L. Johnson	839

Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1220. By Hannibal, Withem, Crosby, Byars, Schimek, Labedz, Hall, Haberman, L. Johnson, Weihing, Peterson, Goodrich, Lindsay, Beck, Ashford

Jan.	18	10	Read first time	411
Jan.	19	11	Referred to Committee on Appropriations	420
Jan.	25	15	Notice of hearing (2/5)	512
Mar.	2	38	Placed on General File	1134
Mar.	15	46	Advanced for Review	1389
Mar.	19	48	Placed on Select File - AM7193	1439
Mar.	21	50	AM7193 (E & R) adopted. Advanced for Engrossment	1568
Mar.	27	52	Correctly Engrossed	1597
Mar.	27	52	ER6277 change	1601
Mar.	29	54	Barrett motion to suspend rules prevailed	1683
Mar.	29	54	Final Reading 41-2-6	1687
Mar.	29	54	Speaker signed	1694
Mar.	29	54	Presented to Governor (3/29)	1714
Apr.	5	59	Approved by Governor with line-item vetoes (4/4)	1916
Apr.	16	AJ	Communication	2075
Apr.	16	AJ	Message from Secretary of State	2098
Apr.	16	AJ	Certificate	2099

LEGISLATIVE BILL 1221. By Hannibal

Jan.	18	10	Read first time	411
Jan.	19	11	Referred to Committee on Urban Affairs	420
Jan.	23	13	Notice of hearing (2/6)	464
Feb.	16	29	Hannibal priority bill	852
Feb.	20	30	Withem AM2605 (1), AM2596 (2), AM2597 (3), and AM2595 (4) printed	875
Feb.	20	30	Withem AM2604 (5), AM2602 (6), AM2611 (7), and AM2612 (8) printed	876
Feb.	20	30	Withem AM2613 (9), AM2598 (10), AM2610 (11), AM2609 (12), and AM2603 (13) printed	877
Feb.	20	30	Withem AM2600 (14), AM2606 (15), AM2607 (16), AM2599 (17), AM2601 (18), and AM2608 (19) printed	878
Feb.	21	31	Placed on General File	898
Feb.	22	32	Hannibal AM2397 printed	937

Mar.	12	43	Withem AM2967 printed	1314
Mar.	15	46	Lynch AM3018 printed	1382
Mar.	20	49	Withem AM3093 printed	1524
Mar.	27	52	Hannibal pending AM2397 p. 937 adopted	1653
Mar.	28	53	Withem request to substitute amendment prevailed. Withem pending AM2605 (1) p. 875 withdrawn. Withem substitute FA426 adopted. Withem pending AM2596 (2), AM2597 (3), AM2595 (4) p. 875, AM2604 (5), AM2602 (6), AM2611 (7), AM2612 (8) p. 876, AM2613 (9), AM2598 (10), AM2610 (11), AM2609 (12), AM2603 (13) p. 877, AM2600 (14), AM2606 (15), AM2607 (16), AM2599 (17), AM2601 (18), AM2608 (19) p. 878, AM2967 p. 1314 and and AM3093 p. 1524 withdrawn. Lynch pending AM3018 p. 1382 withdrawn. Advanced for Review	1658
Mar.	29	54	Placed on Select File --AM7200	1738
Apr.	3	57	AM7200 (E & R) adopted. Advanced for Engrossment	1860
Apr.	4	58	Correctly Engrossed	1878
Apr.	4	58	ER6299 change	1880
Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	Final Reading 45-0-4	2004
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Governor (4/9)	2031
Apr.	16	AJ	Approved by Governor (4/12)	2070
Apr.	16	AJ	Message from Secretary of State	2105
Apr.	16	AJ	Certificate	2106

LEGISLATIVE BILL 1222. By Hartnett, Scofield, Peterson, Smith, Labedz, Schmit, Barrett, Hall, Hannibal, Kristensen, Schellpeper, Coordsen, Lynch, Schimek, Moore, Nelson, Crosby, Landis, Abboud, Baack, Bernard-Stevens

Jan.	18	10	Read first time	411
Jan.	19	11	Referred to Committee on Health and Human Services	420
Jan.	25	15	Notice of hearing (2/15)	500
Feb.	15	28	Hartnett priority bill	806
Feb.	16	29	Beck name added	852
Feb.	23	33	Placed on General File - Com AM2624	971
Mar.	1	37	Smith AM2741 printed	1076
Mar.	2	38	Committee AM2624 adopted as amended by	

			Wesely AM2789. Smith pending AM2741 p. 1076 adopted as amended by Bernard-Stevens FA390. Crosby AM2791 and Chambers FA391 adopted. Advanced for Review	1129
Mar.	5	39	Byars AM2824·printed	1167
Mar.	7	41	Placed on Select File - AM7182	1235
Mar.	8	42	Coordsen AM2916 printed	1294
Mar.	22	51	AM7182 (E & R) adopted. Byars pending AM2824 p. 1167 withdrawn. Coordsen pending AM2916 p. 1294 adopted. Advanced for Engrossment	1590
Mar.	27	52	Correctly Engrossed	1648
Mar.	27	52	ER6288 change	1651
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 42-1-6	1845
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	4	58	Haberman explanation of vote	1886
Apr.	9	60	Returned by Governor without approval (4/6)	1991
Apr.	9	60	Hartnett motion to override veto passed 35-12-2	2048
Apr.	9	60	Communication and Certificate	2057
Apr.	16	AJ	Message from Secretary of State	2076
Apr.	16	AJ	Certificate	2077

LEGISLATIVE BILL 1222A. By Hartnett

Mar.	14	45	Read first time. Placed on General File	1369
Mar.	21	50	Advanced for Review	1531
Mar.	21	50	Placed on Select File	1548
Mar.	22	51	Advanced for Engrossment	1590
Mar.	27	52	Correctly Engrossed	1648
Apr.	2	56	Barrett motion to suspend rules and vote on Final Reading without amendment, motion, or debate laid over	1811
Apr.	3	57	Barrett pending motion p. 1811 prevailed	1825
Apr.	3	57	Final Reading 44-0-5	1846
Apr.	3	57	President signed	1853
Apr.	3	57	Presented to Governor (4/3)	1864
Apr.	9	60	Returned by Governor without approval (4/6)	1991
Apr.	9	60	Hartnett motion to override veto passed 31-14-4	2049

Apr.	9	60	Communication and Certificate	2057
Apr.	16	AJ	Message from Secretary of State	2076
Apr.	16	AJ	Certificate	2077

LEGISLATIVE BILL 1223. By Schmit

Jan.	18	10	Read first time	412
Jan.	19	11	Referred to Committee on Appropriations	420
Jan.	25	15	Notice of hearing (2/6)	512
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1224. By Schmit

Jan.	18	10	Read first time	412
Jan.	19	11	Referred to Committee on Natural Resources	420
Jan.	23	13	Notice of hearing (1/31)	467
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1225. By Schmit

Jan.	18	10	Read first time	412
Jan.	19	11	Referred to Committee on Natural Resources	420
Feb.	6	23	Notice of hearing (2/16)	674
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1226. By Hefner

Jan.	18	10	Read first time	412
Jan.	19	11	Referred to Committee on Education	420
Jan.	19	11	Notice of hearing (2/13)	442
Feb.	21	31	Indefinitely postponed	896

LEGISLATIVE BILL 1227. By Hefner

Jan.	18	10	Read first time	412
Jan.	19	11	Referred to Committee on Judiciary	420
Jan.	31	19	Notice of hearing (2/22)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1228. By Pirsch

Jan.	18	10	Read first time	412
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	420
Jan.	22	12	Notice of hearing (2/6)	452

Feb.	7	24	Placed on General File	707
Feb.	20	30	Advanced for Review	872
Feb.	22	32	Placed on Select File	930
Feb.	28	36	Advanced for Engrossment	1042
Mar.	2	38	Correctly Engrossed	1120
Mar.	8	42	Final Reading 42-0-7	1264
Mar.	8	42	President signed	1265
Mar.	8	42	Haberman explanation of vote	1272
Mar.	8	42	Presented to Governor (3/8)	1273
Mar.	13	44	Approved by Governor (3/13)	1344

LEGISLATIVE BILL 1229. By Scofield, Peterson, Schellpeper

Jan.	18	10	Read first time	413
Jan.	19	11	Referred to Committee on Urban Affairs	420
Jan.	23	13	Notice of hearing (2/6)	464
Feb.	16	29	Placed on General File - Com AM2544	846
Feb.	16	29	Urban Affairs Committee priority bill	850
Mar.	30	55	Haberman name added	1761
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1230. By Wesely, Landis

Jan.	18	10	Read first time	413
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	420
Jan.	22	12	Notice of hearing (1/30)	452
Feb.	1	20	Indefinitely postponed	621

LEGISLATIVE BILL 1231. By Scofield, Schellpeper, Dierks, Schmit

Jan.	18	10	Read first time	413
Jan.	19	11	Referred to Committee on Natural Resources	420
Jan.	24	14	Notice of hearing (2/2)	491
Jan.	25	15	Notice of hearing (2/7) (Reset)	496
Feb.	5	22	Schmit motion to suspend rules to allow hearing to be cancelled prevailed	663
Feb.	5	22	Notice of hearing (2/16) (Reset)	664
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1232. By Scofield, Dierks, Schellpeper, Kristensen

Jan.	18	10	Read first time	414
Jan.	19	11	Referred to Committee on Natural Resources	420

Jan.	26	16	Notice of hearing (2/15)	533
Feb.	14	27	Morrissey name added	797
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1233. By Schmit

Jan.	18	10	Read first time	414
Jan.	19	11	Referred to Committee on Health and Human Services	420
Jan.	25	15	Notice of hearing (2/7)	500
Feb.	23	33	Indefinitely postponed	974

LEGISLATIVE BILL 1234. By Schmit

Jan.	18	10	Read first time	414
Jan.	19	11	Referred to Committee on Revenue	420
Jan.	24	14	Notice of hearing (2/15)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1235. By Schmit

Jan.	18	10	Read first time	414
Jan.	19	11	Referred to Committee on Revenue	420
Jan.	24	14	Notice of hearing (2/15)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1236. By Smith

Jan.	18	10	Read first time	415
Jan.	19	11	Referred to Committee on General Affairs	420
Jan.	23	13	Notice of hearing (2/5)	472
Feb.	7	24	Placed on General File	703
Feb.	20	30	Speaker Barrett priority bill	867
Feb.	20	30	Smith AM2590 printed	878
Feb.	22	32	Smith pending AM2590 p. 878 adopted. Advanced for Review	932
Feb.	26	34	Placed on Select File - AM7170	980
Mar.	5	39	AM7170 (E & R) adopted. Advanced for Engrossment	1161
Mar.	8	42	Correctly Engrossed	1289
Mar.	19	48	Final Reading 46-0-3	1414
Mar.	19	48	President signed	1428
Mar.	19	48	Presented to Governor (3/19)	1435
Mar.	21	50	Approved by Governor (3/21)	1549

LEGISLATIVE BILL 1237. By McFarland

Jan.	18	10	Read first time	415
Jan.	19	11	Referred to Committee on Natural Resources	420
Jan.	26	16	Notice of hearing (2/15)	533
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1238. By Schmit

Jan.	18	10	Read first time	416
Jan.	19	11	Referred to Committee on Natural Resources	420
Jan.	26	16	Notice of hearing (2/15)	533
Feb.	6	23	Dierks name added	684
Feb.	13	26	Dierks priority bill	781
Mar.	5	39	Dierks AM2828 and AM2827 printed	1161
Mar.	5	39	Dierks AM2826 printed	1162
Mar.	6	40	Dierks AM2829 and AM2830 printed	1171
Mar.	22	51	Placed on General File - Com AM3109 (printed separate)	1577
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1239. By Ashford

Jan.	18	10	Read first time	416
Jan.	19	11	Referred to Committee on Government, Military and Veterans Affairs	420
Jan.	19	11	Notice of hearing (2/21)	441
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1240. By Warner

Jan.	18	10	Read first time	416
Jan.	19	11	Referred to Committee on Revenue	420
Feb.	16	29	Notice of hearing (2/27)	851
Feb.	20	30	Speaker Barrett priority bill	867
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1241. By Chambers

Jan.	18	10	Read first time	416
Jan.	19	11	Referred to Committee on Banking, Commerce and Insurance	420
Jan.	22	12	Notice of hearing (2/6)	452
Jan.	25	15	Notice of hearing (2/12) (Reset)	495
Feb.	16	29	Banking, Commerce and Insurance	

			Committee priority bill	839
Feb.	21	31	Placed on General File - Com AM2501 (printed separate)	898
Mar.	16	47	Committee AM2501 adopted. Advanced for Review	1396
Mar.	20	49	Placed on Select File - AM7195	1469
Mar.	22	51	AM7195 (E & R) adopted. Chambers FA419 adopted. Advanced for Engrossment	1591
Mar.	27	52	Attorney General's Opinion #90021 to Haberman	1608
Mar.	27	52	Correctly Engrossed	1648
Mar.	27	52	ER6286 change	1652
Apr.	5	59	Pirsch motion to bracket until 4/10/90 withdrawn	1959
Apr.	5	59	Returned to Select File for Labedz AM2892 (printed separate)	1960
Apr.	5	59	Labedz pending AM2892 p. 1960 lost	1969
Apr.	5	59	Readvanced to Final Reading	1970
Apr.	5	59	Failed on Final Reading w/E 31-1-17	1971
Apr.	5	59	Final Reading 32-0-17	1972
Apr.	5	59	Correctly Enrolled. Speaker signed	1982
Apr.	9	60	Presented to Governor (4/5)	1984
Apr.	9	60	Approved by Governor with line-item veto (4/7)	1997
Apr.	16	AJ	Communication	2075
Apr.	16	AJ	Message from Secretary of State. Certificate	2104

LEGISLATIVE BILL 1242. By Beck

Jan.	18	10	Read first time	417
Jan.	19	11	Referred to Committee on Judiciary	420
Jan.	31	19	Notice of hearing (2/21)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE BILL 1243. By LR 232 Special Investigative Committee

Feb.	7	24	Read first time	721
Feb.	12	25	Referred to Committee on Judiciary	743
Feb.	23	33	Notice of hearing (3/2)	965
Mar.	7	41	Indefinitely postponed	1249

LEGISLATIVE BILL 1244. By Business and Labor Committee

Feb.	14	27	Coordsen motion to introduce bill laid over	789
Feb.	15	28	Coordsen pending motion p. 789 prevailed	819

Feb. 15	28	Read first time	820
Feb. 16	29	Referred to Committee on Business and Labor	843
Feb. 16	29	Notice of hearing (2/26)	844
Feb. 28	36	Placed on General File - Com AM2702	1033
Mar. 8	42	Committee AM2702 adopted. Advanced for Review	1265
Mar. 13	44	Placed on Select File - AM7184	1338
Mar. 22	51	AM7184 (E & R) adopted. Advanced for Engrossment	1590
Mar. 27	52	Correctly Engrossed	1648
Mar. 27	52	ER6290 change	1653
Apr. 5	59	Final Reading w/E 34-0-15	1972
Apr. 5	59	Speaker signed	1982
Apr. 9	60	Presented to Governor (4/5)	1984
Apr. 9	60	Approved by Governor (4/7)	1985

LEGISLATIVE BILL 1245. By Business and Labor Committee

Feb. 14	27	Coordsen motion to introduce bill laid over	789
Feb. 15	28	Coordsen pending motion p. 789 prevailed	819
Feb. 15	28	Read first time	820
Feb. 16	29	Referred to Committee on Business and Labor	843
Feb. 16	29	Notice of hearing (2/26)	844
Feb. 28	36	Indefinitely postponed	1034

LEGISLATIVE BILL 1246. By LR 232 Special Investigative Committee

Feb. 21	31	Read first time	899
Feb. 22	32	Referred to Committee on Judiciary	930
Feb. 23	33	Notice of hearing (3/2)	965
Mar. 7	41	Placed on General File - Com AM2877 (printed separate)	1249
Mar. 21	50	Chizek AM3136 to committee AM2877 printed	1560
Mar. 22	51	Committee AM2877 adopted as amended by Chizek pending AM3136 p. 1560	1577
Mar. 22	51	Advanced for Review	1578
Mar. 22	51	Wesely AM3156 printed	1579
Mar. 27	52	Placed on Select File - AM7198	1597
Mar. 30	55	Abboud AM3151 printed	1769
Apr. 3	57	AM7198 (E & R) adopted. Wesely pending AM3156 p. 1579 adopted. Abboud pending AM3151 p. 1769 and Schmit AM3319 withdrawn. Advanced for Engrossment	1854

Apr. 3 57 Wesely and Chizek names added 1867
Apr. 4 58 Correctly Engrossed 1878
Apr. 4 58 ER6298 change 1880
Apr. 9 60 Barrett motion to suspend rules prevailed 1998
Apr. 9 60 Final Reading w/E 48-1-0 2005
Apr. 9 60 President signed 2024
Apr. 9 60 Presented to Governor (4/9) 2031
Apr. 16 AJ Approved by Governor (4/14) 2071
Apr. 16 AJ Message from Secretary of State. Certificate 2108

LEGISLATIVE BILL 1246A. By Wesely

Mar. 22 51 Read first time. Placed on General File 1576
Mar. 29 54 Advanced for Review 1727
Mar. 29 54 Placed on Select File 1738
Apr. 3 57 Advanced for Engrossment 1855
Apr. 4 58 Correctly Engrossed 1878
Apr. 9 60 Barrett motion to suspend rules prevailed 1998
Apr. 9 60 Final Reading w/E 46-0-3 2006
Apr. 9 60 President signed 2024
Apr. 9 60 Presented to Governor (4/9) 2031
Apr. 16 AJ Approved by Governor (4/14) 2071
Apr. 16 AJ Message from Secretary of State. Certificate 2108

LEGISLATIVE BILL 1247. By LR 232 Special Investigative Committee

Mar. 29 54 Read first time 1735
Mar. 30 55 Referred to Committee on Judiciary 1755
Apr. 9 60 Indefinitely postponed 2068

CHRONOLOGY OF RESOLUTIONS

NINETY-FIRST LEGISLATURE
SECOND SESSION
1990

LEGISLATIVE RESOLUTION 8CA. By Judiciary Committee

Jan.	3	1	Title	75
Jan.	3	1	Kristensen name added	129
Jan.	9	4	Lindsay AM2097 printed	245
Jan.	11	6	Committee AM0858 p. 1129, First Session, adopted	278
Jan.	11	6	Lindsay pending AM2097 p. 245 ruled germane and lost as amended by Lindsay FA313. Chambers FA314 withdrawn	281
Jan.	11	6	Ashford-Chambers FA315 ruled germane and lost. Challenge of Chair lost	284
Jan.	11	6	Chambers FA316, FA317 and FA318 lost. Advanced for Review	288
Jan.	11	6	Barrett explanation of vote	293
Jan.	18	10	Placed on Select File - AM7100	406
Jan.	30	18	AM7100 (E & R) adopted. Chambers FA349 and FA350 lost. Point of order overruled	572
Jan.	31	19	Chambers motion to indefinitely postpone lost. Chambers FA351 lost. Advanced for Engrossment	590
Feb.	2	21	Correctly Engrossed	630
Feb.	2	21	ER6242 change	631
Feb.	15	28	Chambers motion to return to Select File for FA364 withdrawn. Final Reading 37-4-8	816
Feb.	15	28	President signed	820
Feb.	15	28	Presented to Secretary of State (2/15)	833

LEGISLATIVE RESOLUTION 11CA. By Scofield, Smith, Schellpeper, Peterson

Jan.	3	1	Title	77

Feb.	14	27	Peterson priority resolution	797
Feb.	16	29	Placed on General File	846
Mar.	16	47	Hall AM3045 pending	1403
Mar.	20	49	Hartnett AM3068 printed	1470
Mar.	27	52	Hall pending AM3045 p. 1403 withdrawn. Wesely motion to indefinitely postpone withdrawn. Hartnett pending AM3068 p. 1470 adopted. Advanced for Review	1623
Mar.	27	52	Placed on Select File	1648
Mar.	28	53	Correction	1655
Apr.	3	57	Wesely motion to indefinitely postpone withdrawn. Advanced for Engrossment	1855
Apr.	4	58	Correctly Engrossed	1878
Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	Final Reading 34-11-4	2008
Apr.	9	60	President signed	2024
Apr.	9	60	Presented to Secretary of State (4/9)	2031
Apr.	9	60	Message from Secretary of State	2055

LEGISLATIVE RESOLUTION 13CA. By Baack

Jan.	3	1	Title	78
Feb.	12	25	Indefinitely postponed	747

LEGISLATIVE RESOLUTION 19CA. By Hartnett

Jan.	3	1	Title	82
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 229CA. By Hefner, Warner, Coordsen

Jan.	3	1	Read first time	123
Jan.	3	1	Referred to Reference Committee	124
Jan.	4	2	Referred to Committee on Revenue	177
Jan.	10	5	Notice of hearing (1/17)	272
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 233CA. By Coordsen, Korshoj

Jan.	3	1	Read first time	127
Jan.	3	1	Referred to Reference Committee	128
Jan.	4	2	Referred to Committee on Government, Military and Veterans Affairs	177
Jan.	11	6	Notice of hearing (1/18)	281

Feb.	7	24	Placed on General File - Com AM2437	699
Feb.	16	29	Coordsen priority resolution	843
Feb.	27	35	Committee AM2437 lost. Haberman-Warner AM2698 and Wehrbein FA380 lost. Lamb motion to indefinitely postpone lost	994
Feb.	27	35	Failed to advance for Review	1007
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 236CA. By Withem

Jan.	8	3	Read first time	211
Jan.	8	3	Referred to Reference Committee	212
Jan.	9	4	Referred to Committee on Revenue	234
Jan.	17	9	Notice of hearing (1/25)	358
Jan.	18	10	Notice of hearing (1/25) (Cancel)	398
Jan.	24	14	Notice of hearing (2/14)	487
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 237CA. By Wesely, Chambers, Chizek

Jan.	10	5	Read first time	261
Jan.	10	5	Referred to Reference Committee	263
Jan.	11	6	Referred to Committee on Judiciary	278
Jan.	11	6	Notice of hearing (1/18)	284
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 239CA. By Withem, Warner, Barrett, Weihing, Lindsay

Jan.	16	8	Read first time	333
Jan.	16	8	Referred to Reference Committee	337
Jan.	18	10	Referred to Committee on Education	374
Jan.	19	11	Notice of hearing (2/6)	434
Feb.	13	26	Withem priority resolution	781
Feb.	15	28	Placed on General File - Com AM2521	834
Mar.	7	41	Warner AM2552 to committee AM2521 printed	1231
Mar.	8	42	McFarland AM2899 (1) to committee AM2521 printed	1285
Mar.	8	42	McFarland AM2898 (2) and AM2902 (3) to committee AM2521 printed	1286
Mar.	8	42	McFarland AM2900 (4) and AM2901 (5) to committee AM2521 printed	1287

Mar.	8	42	Warner pending AM2552 p. 1231 pending	1292
Mar.	8	42	Warner pending AM2552 p. 1231 to committee AM2521 adopted	1293
Mar.	12	43	McFarland pending AM2899 (1) p. 1285 ruled not germane. Challenge of Chair lost. McFarland pending AM2898 (2) p. 1286 pending	1299
Mar.	12	43	McFarland pending AM2898 (2) p. 1286 and AM2901 (5) p. 1287 lost. McFarland pending AM2902 (3) p. 1286 and AM2900 (4) p. 1287 withdrawn. McFarland AM2946 withdrawn. Committee AM2521 adopted as amended. McFarland reoffered AM2899 (1) p. 1285 pending	1300
Mar.	12	43	McFarland AM2934 printed	1313
Mar.	12	43	McFarland AM2935 printed	1314
Mar.	13	44	McFarland pending AM2899 (1) p. 1285 lost. McFarland pending AM2934 p. 1313 and AM2935 p. 1314 withdrawn. Advanced for Review	1323
Mar.	14	45	Placed on Select File - AM7187 (printed separate)	1362
Mar.	14	45	Schimek AM3002 to AM7187 printed	1370
Mar.	14	45	McFarland AM3011 (1) and AM3010 (2) to AM7187 printed	1372
Mar.	15	46	Warner AM3023 to AM7187 printed	1381
Mar.	27	52	McFarland AM3178 to AM7187 printed	1627
Mar.	27	52	McFarland AM3197 to AM7187 printed	1646
Mar.	28	53	Attorney General's Opinion #90026 to Coordsen	1676
Apr.	2	56	AM7187 (E & R) adopted. Schimek pending AM3002 p. 1370, McFarland pending AM3011 p. 1372, AM3010 p. 1372, AM3178 p. 1627 and AM3197 p. 1646 withdrawn. Warner pending AM3023 p. 1381 adopted. Warner AM3288 and Chambers FA449 to AM7187 adopted. Chambers FA448 withdrawn. McFarland motion to bracket until 4/9/90 lost	1797
Apr.	2	56	Schimek FA450 and Chambers FA451 lost	1807
Apr.	3	57	Passed over	1853
Apr.	4	58	Withem motion to bracket until 4/9/90 lost. Bernard-Stevens FA455 to Withem motion withdrawn	1878
Apr.	4	58	Chambers FA456 to AM7187 and FA457 adopted. Advanced for Engrossment	1882

Apr.	4	58	Correctly Engrossed	1902
Apr.	4	58	ER6303 change	1903
Apr.	5	59	Conway AM3370 printed	1961
Apr.	9	60	Barrett motion to suspend rules prevailed	1998
Apr.	9	60	McFarland motion to return to Select File for FA467 withdrawn. Warner motion to suspend rules and permit consideration of Conway amendment prevailed. Conway pending AM3370 p. 1961 adopted	2011
Apr.	9	60	Correctly Re-Engrossed	2017
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 240CA. By Moore, Hall

Jan.	17	9	Read first time	361
Jan.	17	9	Referred to Reference Committee	362
Jan.	18	10	Referred to Committee on Education	374
Jan.	19	11	Notice of hearing (2/6)	434
Feb.	13	26	Indefinitely postponed	773

LEGISLATIVE RESOLUTION 241CA. By Hall

Jan.	17	9	Read first time	366
Jan.	17	9	Referred to Reference Committee	367
Jan.	18	10	Referred to Committee on General Affairs	374
Jan.	23	13	Notice of hearing (2/12)	472
Feb.	26	34	Placed on General File	980
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 242CA. By Warner, Schmit

Jan.	18	10	Read first time	383
Jan.	18	10	Referred to Reference Committee	385
Jan.	19	11	Referred to Committee on Revenue	420
Jan.	24	14	Notice of hearing (2/14)	487
Feb.	16	29	Notice of hearing (2/21) (Rehearing)	851
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 243CA. By Hartnett

Jan.	18	10	Read first time	385
Jan.	18	10	Referred to Reference Committee	388
Jan.	19	11	Referred to Committee on Revenue	420
Jan.	24	14	Notice of hearing (2/14)	487

Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 244CA. By Schmit

Jan.	18	10	Read first time	408
Jan.	18	10	Referred to Reference Committee	409
Jan.	19	11	Referred to Committee on Education	420
Jan.	19	11	Notice of hearing (2/13)	442
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 245. By Hefner

Jan.	18	10	Read first time	409
Jan.	18	10	Referred to Reference Committee	411
Jan.	19	11	Referred to Committee on Judiciary	420
Jan.	31	19	Notice of hearing (2/22)	595
Apr.	9	60	Indefinitely postponed	2068

LEGISLATIVE RESOLUTION 251CA. By LR 232 Special Investigative Committee

Feb.	6	23	Read first time	682
Feb.	6	23	Referred to Reference Committee	684
Feb.	7	24	Referred to Committee on Judiciary	710
Feb.	23	33	Notice of hearing (3/2)	965
Mar.	7	41	Indefinitely postponed	1249

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

CHRIS ABBOUD

LB	
141*	Provide that DWI and implied consent laws apply on private property.
159*	Change provisions relating to contributory fault.
164*	Require the acquisition and operation of Joslyn Castle by the Nebraska State Historical Society.
249*	Adopt the Tax Delinquency Amnesty Act.
260*	Provide for a tax on marijuana and controlled substances.
422*	Authorize counties to establish community service programs.
483*	Change the definition of exceptionally hazardous drug.
594*	Change provisions for liability of persons in nonprofit sports.
597	Change provisions of the Model Health Maintenance Organization Act.
692*	Change provisions for refunding bonds issued by public entities.
747*	Provide a homestead exemption on actual value.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
908	Provide powers for cities of the first class to meet needs of elderly persons.
918*	Change provisions relating to rural and suburban fire protection districts.
927*	Change the penalty provisions for violating drug laws.
928*	Adopt the Nebraska Street Terrorism Enforcement and Prevention Act.
929*	Extend provisions of the Property Tax Relief Act.
933*	Authorize the acquisition of Joslyn Castle.
934*	Change provisions for the operation of bicycles on roadways.
954	Change reporting requirement for sudden infant death syndrome.
957*	Change provisions for reorganizing second class cities as first class cities.

1018*	Prohibit discharge of firearms at occupied buildings and vehicles.
1044*	Provide procedures for actions involving claims against first and second class cities.
1222*	Change provisions relating to foster care placements.

BRAD ASHFORD

LB	
40*	Modify provisions of judges retirement plan.
41*	Provide for adjustments of judges retirement allowance.
42*	Change provisions relating to Supreme Court salaries.
121*	Create the Environmental Response Cooperation Fund.
140*	Adopt the Nebraska College Savings Plan Act.
159*	Change provisions relating to contributory fault.
163*	Change provisions relating to waste reduction and recycling.
164*	Require the acquisition and operation of Joslyn Castle by the Nebraska State Historical Society.
164A	Appropriation Bill.
329*	Provide an income tax credit for businesses providing day care.
333*	Authorize acquisition of detached auxiliary offices by a bank.
356*	Provide a procedure for payment of certain claims of depositors.
393*	Provide for reimbursement of attorney's fees in school proceedings.
422*	Authorize counties to establish community service programs.
445	Provide for aggregating check amounts when classifying an offense.
446	Change a fee charged by court reporters.
450	Provide for revoking operators' licenses for habitual offenders.
451*	Change provision for filing statements by sanitary and improvement districts.
452	Change provision for board meetings under the Nonprofit Corp. Act.
454	Require insurance coverage for reconstructive breast surgery.
455	Increase number of juvenile court judges in Douglas County.
456	Require first aid training for providers of early childhood programs.

473*	Appropriate funds to state education.
479*	Adopt the Rights of the Terminally Ill Act.
542*	Authorize the establishment of risk loss trusts at the University of Nebraska.
560*	Require infertility coverage in certain health insurance policies.
565	Change provisions of the Nebraska Short Form Act.
567*	Establish the Early Childhood Training Center and the Early Childhood Education Pilot Project Program.
594*	Change provisions for liability of persons in nonprofit sports.
642*	Require a waiting period prior to transferring of a handgun.
742*	Change eyesight requirements for drivers licenses.
747*	Provide a homestead exemption on actual value.
796*	Appropriate funds for transit centers and bus shelters.
809***	Adopt the Property Tax Relief Trust Fund Act.
880*	Increase the number of judges of the district court.
898*	Provide for the development of the Trailside Complex at Fort.
918*	Change provisions relating to rural and suburban fire protection districts.
933*	Authorize the acquisition of Joslyn Castle.
958*	Change requirements for child restraint devices.
959	Authorize retirement after thirty years from the School Employees Retirement Plan.
1010*	Provide for an additional transition benefit for aid to dependent children.
1010A*	Appropriation Bill.
1018*	Prohibit discharge of firearms at occupied buildings and vehicles.
1019*	Create the International Trade Office Division.
1078	Establish the Export Trade Assistance Program.
1205*	Require drug and alcohol testing of certain criminal offenders.
1214*	Change provisions for economic development.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
1239	Require the review of design and materials in capital construction projects.

DENNIS G. BAACK

LB	
143	Change funding provisions for technical community colleges.
151*	Change provisions relating to the Nebraska Historical Society.
161*	Change provisions relating to economic poisons.
163*	Change provisions relating to waste reduction and recycling.
257	Provide requirements for erection and repair of state buildings.
260*	Provide for a tax on marijuana and controlled substances.
268*	Appropriate funds for medical education residency program.
393*	Provide for reimbursement of attorney's fees in school proceedings.
426	Change provisions for the collection of taxes.
435*	Modify provisions of the Political Accountability and Disclosure Act.
514*	Establish a comprehensive health education system in public schools.
514A*	Appropriation Bill.
544A	Appropriation Bill.
545A	Appropriation Bill.
590*	Create the Professional Staff Recruitment, Retention, and Development Program.
618*	Provide funds for staff development of educational service units.
632	Change military service credit in school employees' retirement plan.
636	Change provisions for seasonal employees under Employment Security Law.
638*	Change the order of candidate names appearing on ballots.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
664*	Rename the Department of Public Institutions.
666*	Adopt the Prevention Services Act for Children and Family Mental Health.
719*	Provide funding for a 911 emergency telephone communication system.
770*	Appropriate funds for academic computing and library automation.

842	Provide for issuance of certain permits for hunting on the Garden County game refuge.
843	Change provisions of the school enrollment option program.
843A	Appropriation Bill.
844	Change provisions for notice of sale of property taken on distress warrant.
845*	Provide equalization aid to technical community colleges.
892*	Prohibit the operation of motorized vessels on game refuges during certain months.
895*	Adopt the Nebraska Innovative Educational Grant Act.
897*	Provide reimbursement to taxing subdivisions of the state for losses resulting from certain refunds of property tax.
898*	Provide for the development of the Trailside Complex at Fort.
899*	Appropriate funds for a potato specialist.
911*	Create the Lifelong Learning Center.
922*	Provide for civil penalties for violating provisions relating to oil and gas conservation.
926*	Require railroads to meet certain fire safety requirements.
933*	Authorize the acquisition of Joslyn Castle.
961*	Allow county boards to reduce valuations for destroyed improvements.
996*	Require reporting of certain currency transactions.
1005*	Change provisions of the Nebraska Wheat Development, Utilization, and Marketing Board.
1033	Require a master's degree for certification as a speech-language pathologist.
1036*	Provide for payment of real estate taxes in monthly installments.
1037	Provide that foreign exchange students not be counted in school district membership reports.
1050*	Change a provision for exceeding the tax levy limit by technical community colleges.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1090A*	Appropriation Bill.
1118*	Allow above ground fuel storage tanks.
1168*	Change provisions for fees paid by applicants for permits to operate hazardous waste facilities.
1184*	Adopt the Nebraska State Airline Authority Act.
1216	Authorize use of the Veterans' Home Building Fund for improving nursing facilities.

1222*	Change provisions relating to foster care placements.
LR	
13CA	Modify signature requirements for initiative and referendum petitions.

WILLIAM E. BARRETT

LB	
304**	Appropriate funds for the expenses of state government.
307**	Appropriate funds for capital construction.
409*	Adopt the Nebraska Small Business Incubator Act.
534*	Change provisions of the Political Accountability and Disclosure Act.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
897*	Provide reimbursement to taxing subdivisions of the state for losses resulting from certain refunds of property tax.
905*	Provide reimbursement for refunds of certain personal property taxes.
1031**	Provide for deficiency appropriations for state agencies.
1032*	Change provisions for expense reimbursement for certain state commissions.
1048	Allow certain public meetings to be held using electronic telecommunication equipment.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1141*	Change the governance of public postsecondary educational institutions.
1153	Adopt the Real Estate Appraiser Licensing and Certification Act.
1153A	Appropriation Bill.
1222*	Change provisions relating to foster care placements.
LR	
239CA*	Proposed constitutional amendment to establish the Board of Regents for Nebraska Higher Education.

SHARON BECK

LB	
102*	Limit minors access to certain harmful materials.
141*	Provide that DWI and implied consent laws apply on private property.

163*	Change provisions relating to waste reduction and recycling.
164*	Require the acquisition and operation of Joslyn Castle by the Nebraska State Historical Society.
249*	Adopt the Tax Delinquency Amnesty Act.
346*	Provide a deduction from income for certain educational expenses.
422*	Authorize counties to establish community service programs.
447*	Adopt the Secondary Vocational Education Program Improvement Act.
483*	Change the definition of exceptionally hazardous drug.
674*	Change provisions relating to the sale of obscene materials to minors.
757*	Provide for the licensure of naturopaths.
769*	Change provisions relating to abortion.
771*	Provide insurance premium reduction for certain owners.
775*	Change the rates of tax on bingo.
809***	Adopt the Property Tax Relief Trust Fund Act.
923*	Exempt certain business entities from obtaining a license to engage in an asbestos project.
927*	Change the penalty provisions for violating drug laws.
928*	Adopt the Nebraska Street Terrorism Enforcement and Prevention Act.
929*	Extend provisions of the Property Tax Relief Act.
933*	Authorize the acquisition of Joslyn Castle.
934*	Change provisions for the operation of bicycles on roadways.
958*	Change requirements for child restraint devices.
976*	Change penalties for violation of drug laws.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1018*	Prohibit discharge of firearms at occupied buildings and vehicles.
1026*	Require certain school districts to provide preparation time for teachers.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1096	Prohibit drug and alcohol programs from promoting unlawful use of drugs or alcohol.
1114*	Change the percentage of alcohol necessary to be considered under the influence.

1220*	Provide funding to the Eppley Science Hall Construction Fund.
1222*	Change provisions relating to foster care placements.
1242	Provide for assessing expenses for alcohol and drug testing.

DAVID F. BERNARD-STEVENS

LB	
218*	Provide warrantless arrests for offenses involving household members.
268*	Appropriate funds for medical education residency program.
275*	Create a property tax relief fund.
407	Redefine the term employer under the Wage Payment and Collection Act.
420	Require the confinement of juveniles in separate detention facilities.
428*	Establish the Nebraska Central Facility for Microscopy and Microanalysis.
435*	Modify provisions of the Political Accountability and Disclosure Act.
567*	Establish the Early Childhood Training Center and the Early Childhood Education Pilot Project Program.
658	Define the offense of vehicular assault.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
770*	Appropriate funds for academic computing and library automation.
809***	Adopt the Property Tax Relief Trust Fund Act.
895*	Adopt the Nebraska Innovative Educational Grant Act.
897*	Provide reimbursement to taxing subdivisions of the state for losses resulting from certain refunds of property tax.
905*	Provide reimbursement for refunds of certain personal property taxes.
926*	Require railroads to meet certain fire safety requirements.
932*	Eliminate provisions for recapture of reimbursements for railroad lawsuits.
933*	Authorize the acquisition of Joslyn Castle.
953*	Change provisions of the State Patrol retirement plan.
1050*	Change a provision for exceeding the tax levy limit by technical community colleges.
1054*	Change provisions relating to state regulation of abortions.

1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1062*	Authorize drug or alcohol testing of applicants for employment.
1062A	Appropriation Bill.
1090A*	Appropriation Bill.
1118*	Allow above ground fuel storage tanks.
1171	Provide for assessing costs relating to public nuisance property.
1184*	Adopt the Nebraska State Airline Authority Act.
1195	Provide for Educational Technology Satellite Centers in rural Nebraska.
1195A	Appropriation Bill.
1196	Change provisions for snowmobiles.
1203*	Establish a presumption of death or disability of law enforcement personnel.
1222*	Change provisions relating to foster care placements.

EMIL E. BEYER, JR.

LB	
212	Adopt the Private Investigation Act.
248*	Authorize the suspension of driving privileges for certain juveniles.
270*	Change provisions for filing of protests to Natural Resources projects.
369A	Appropriation Bill.
472*	Adopt the First Responders Emergency Rescue Act.
473*	Appropriate funds to state education.
519	Permit approved technicians to administer rabies vaccinations.
769*	Change provisions relating to abortion.
799	Provide penalties for driving under the influence of intoxicating drugs.
809***	Adopt the Property Tax Relief Trust Fund Act.
861	Increase the amount of property exempt from inheritance tax.
910*	Change provisions relating to apportionable vehicles.
910A	Appropriation Bill.
918*	Change provisions relating to rural and suburban fire protection districts.
933*	Authorize the acquisition of Joslyn Castle.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.

1075	Change provisions for hauling in motor vehicles.
1122	Change provisions for veterans homestead exemptions.
1161*	Provide for the payment of interest on delayed beneficiary payments.
1185	Adopt the Auctioneer Licensing Act.
1209*	Change provisions for the private practice of law by public defenders.
1213*	Adopt the Local Solid Waste Management Control Act.
1219*	Change the point of sale for floral business locations.

DENNIS M. BYARS

LB	
111*	Authorize the service of papers by private individuals.
266*	Require the display of POW/MIA flags.
276	Change provisions for filing documents with the Register of Deeds.
422*	Authorize counties to establish community service programs.
551*	Provide for certification of laboratories.
809***	Adopt the Property Tax Relief Trust Fund Act.
809A	Appropriation Bill.
858	Change provisions for the registration of certain motor vehicles.
859	Eliminate the fee requirement for prisoner of war license plates.
860	Provide that helmet requirements do not apply to all-terrain.
905*	Provide reimbursement for refunds of certain personal property taxes.
905A*	Appropriation Bill.
915*	Increase the amount allowed for burial expenses under the Burial Pre-Need Sale Act.
933*	Authorize the acquisition of Joslyn Castle.
1022	Authorize the Department of Social Services to establish payment rates for children with special needs in foster care.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1092*	Appropriate funds to study chinch bugs.
1183	Change provisions for the collection of corporate taxes.
1220*	Provide funding to the Eppley Science Hall Construction Fund.

ERNIE CHAMBERS

LB	
151*	Change provisions relating to the Nebraska Historical Society.
159*	Change provisions relating to contributory fault.
356*	Provide a procedure for payment of certain claims of depositors.
397*	Establish due process requirements for the NCAA.
464	Prohibit the death penalty for persons with mental retardation.
465	Prohibit discrimination against persons with AIDS.
543	Establish a minority student scholarship program.
596	Eliminate the death penalty.
642*	Require a waiting period prior to transferring of a handgun.
693*	Provide for voter registration on election day.
708	Prohibit the NCAA from interfering with Pell grants to athletes.
709	Require payment to University of Nebraska football players.
901*	Change the minimum wage rate and provide for a training wage rate.
1010*	Provide for an additional transition benefit for aid to dependent children.
1010A*	Appropriation Bill.
1023*	Prohibit the advertising of point spreads and betting lines.
1054*	Change provisions relating to state regulation of abortions.
1113*	Prohibit certain discriminatory actions relating to housing.
1147*	Change provisions relating to "good time."
1172	Change provisions for providing partisan ballots to unaffiliated voters in primary elections.
1177	Establish residency requirements for law enforcement officers.
1241	Require the Research and Development Authority to form business development corporations.
LR	
237CA*	Proposed constitutional amendment to provide for legislative confirmation of judges.

JERRY CHIZEK

LB	
138	Change provision relating to public indecency.
139	Change provisions relating to Jail Standards Board.
140*	Adopt the Nebraska College Savings Plan Act.
140A	Appropriation Bill.
151*	Change provisions relating to the Nebraska Historical Society.
159*	Change provisions relating to contributory fault.
164*	Require the acquisition and operation of Joslyn Castle by the Nebraska State Historical Society.
201	Change provisions for operating a motor vehicle to avoid arrest.
202	Authorize use of intercepted communication during gambling investigation.
203	Create the offense of disarming a peace officer.
204	Change provisions relating to disturbing the peace.
205	Change provisions for offenses relating to drugs and narcotics.
210*	Provide immunity from civil liability for certain physicians.
224*	Adopt the Athlete Agents Registration Act.
232	Enumerate provisions for the returning of process and filing in court.
239*	Provide an income tax credit relating to child and dependent care.
252	Change provisions of the State Patrol retirement plan.
275*	Create a property tax relief fund.
473*	Appropriate funds to state education.
507*	Require supervision of apprentice electricians.
529	Eliminate provision prohibiting banks from selling insurance.
552	Provide procedure for settling visitation disputes.
554	Adopt the Child Visitation Mediator Act.
662*	Adopt the Family Services Incentive Act for Communities.
664*	Rename the Department of Public Institutions.
673	Repeal the Nebraska Hospital-Medical Liability Act.
742*	Change eyesight requirements for drivers licenses.
747*	Provide a homestead exemption on actual value.
747A	Appropriation Bill.
750	Provide for payment of sales tax on boats.
796*	Appropriate funds for transit centers and bus shelters.
880*	Increase the number of judges of the district court.

880A	Appropriation Bill.
918*	Change provisions relating to rural and suburban fire protection districts.
923*	Exempt certain business entities from obtaining a license to engage in an asbestos project.
933*	Authorize the acquisition of Joslyn Castle.
1035*	Provide for judicial review of school board decisions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1072*	Require competitive bidding for provider contracts with health maintenance organizations.
1073*	Prohibit medical benefit contracts from requiring the use of mail order pharmacies.
1194*	Change provisions for hearings for persons acquitted on insanity grounds.
1203*	Establish a presumption of death or disability of law enforcement personnel.
1204	Change liability provisions under the Political Subdivisions Tort Claims Act.
1205*	Require drug and alcohol testing of certain criminal offenders.
1208	Provide a homestead exemption for certain blind persons.
1246*	Provide for court orders requiring testimony from witnesses before a special committee of the Legislature.

LR

237CA*	Proposed constitutional amendment to provide for legislative confirmation of judges.

GERALD CONWAY

LB

140*	Adopt the Nebraska College Savings Plan Act.
151*	Change provisions relating to the Nebraska Historical Society.
159*	Change provisions relating to contributory fault.
164*	Require the acquisition and operation of Joslyn Castle by the Nebraska State Historical Society.
260*	Provide for a tax on marijuana and controlled substances.
260A	Appropriation Bill.
266*	Require the display of POW/MIA flags.
268*	Appropriate funds for medical education residency program.
299	Adopt the Tax Delinquency Amnesty Act.

435*	Modify provisions of the Political Accountability and Disclosure Act.
571A	Appropriation Bill.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
905*	Provide reimbursement for refunds of certain personal property taxes.
933*	Authorize the acquisition of Joslyn Castle.
937	Provide for issuing nontransferable certificates of title for.
938	Authorize the Banking Department to exempt investment advisers from certain contract requirements.
961*	Allow county boards to reduce valuations for destroyed improvements.
965*	Eliminate an obsolete date for election to operate as a contractor.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
996*	Require reporting of certain currency transactions.
1036*	Provide for payment of real estate taxes in monthly installments.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1071	Provide for a master plan for road construction.
1115*	Exempt personal property other than motor vehicles from taxation.
1184*	Adopt the Nebraska State Airline Authority Act.

GEORGE COORDSEN

LB	
55*	Exempt certain officials from financial disclosure requirements.
59	Adopt the Collision Damage Waiver Act.
161*	Change provisions relating to economic poisons.
268*	Appropriate funds for medical education residency program.
415*	Change disqualification provisions under the Employment Security Law.
472*	Adopt the First Responders Emergency Rescue Act.
495	Change provisions relating to motor vehicle financial responsibility.
523*	Exempt agricultural equipment sold outside Nebraska from sales tax.
624*	Adopt the Uniform Unclaimed Property Act.

662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
672*	Create the Rural Development Innovations Grant Program.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
757*	Provide for the licensure of naturopaths.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
848*	Change the dissolution date of ground water conservation districts.
881*	Exempt purchases made by county agricultural societies from sales and use taxes.
905*	Provide reimbursement for refunds of certain personal property taxes.
948*	Change qualification and certification requirements of social workers.
949*	Eliminate the practice of social work from the Uniform Licensing Law.
957*	Change provisions for reorganizing second class cities as first class cities.
994*	Create the Office of Rural Health.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
1004*	Change provisions of the pseudorabies eradication program.
1011*	Require legislative review of proposed rules and regulations.
1021*	Allow an exemption from safety regulations for private motor.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1092*	Appropriate funds to study chinch bugs.
1173*	Provide for the disqualification of benefits for individuals discharged for use of a controlled substance.
1181	Change the power of ground water protection areas to levy a tax.
1184*	Adopt the Nebraska State Airline Authority Act.
1222*	Change provisions relating to foster care placements.
LR	
229CA*	Proposed constitutional amendment to limit the use of certain taxes for highway construction and maintenance.

233CA*	Proposed constitutional amendment to provide organizational legislative sessions and modify the length of the ninety day session.

LAVON CROSBY

LB	
102*	Limit minors access to certain harmful materials.
346*	Provide a deduction from income for certain educational expenses.
356*	Provide a procedure for payment of certain claims of depositors.
422*	Authorize counties to establish community service programs.
447*	Adopt the Secondary Vocational Education Program Improvement Act.
560*	Require infertility coverage in certain health insurance policies.
642*	Require a waiting period prior to transferring of a handgun.
674*	Change provisions relating to the sale of obscene materials to minors.
740	Provide requirements for employment of school nurses.
741	Provide for school health services.
741A	Appropriation Bill.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
845*	Provide equalization aid to technical community colleges.
854*	Change the informed consent provisions for abortion.
889*	Prohibit certain activities relating to abortions and abortion referral counseling services.
915*	Increase the amount allowed for burial expenses under the Burial Pre-Need Sale Act.
929*	Extend provisions of the Property Tax Relief Act.
933*	Authorize the acquisition of Joslyn Castle.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
1012*	Provide an option under the judges retirement system.
1026*	Require certain school districts to provide preparation time for teachers.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1063	Authorize the sale and conveyance of certain property by the Department of Social Services.
1063A	Appropriation Bill.

1098*	Provide for public building commissions established by cities of the primary class.
1114*	Change the percentage of alcohol necessary to be considered under the influence.
1174	Change provisions for interest deposited in eminent domain cases.
1175	Provide for a waiver of the filing deadline for the homestead exemption.
1176	Provide a homestead exemption for blind individuals.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
1222*	Change provisions relating to foster care placements.

MERTON L. DIERKS

LB	
50*	Change provisions for the protection of animals.
117*	Adopt the Leafy Spurge Control Act.
346*	Provide a deduction from income for certain educational expenses.
347*	Change provisions for proof of ownership relating to motor vehicles.
397*	Establish due process requirements for the NCAA.
422*	Authorize counties to establish community service programs.
520*	Adopt the Nursing Incentive Act.
571*	Prohibit the possession or transfer of anabolic steroids.
618*	Provide funds for staff development of educational service units.
618A	Appropriation Bill.
672*	Create the Rural Development Innovations Grant Program.
715*	Change provisions for the transfer of ground water in Nebraska.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
769*	Change provisions relating to abortion.
854*	Change the informed consent provisions for abortion.
888	Provide that only licensed veterinarians may purchase rabies vaccine.
889*	Prohibit certain activities relating to abortions and abortion referral counseling services.
892*	Prohibit the operation of motorized vessels on game refuges during certain months.

926*	Require railroads to meet certain fire safety requirements.
933*	Authorize the acquisition of Joslyn Castle.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
994*	Create the Office of Rural Health.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
1002*	Eliminate a provision relating to nonresident high school tuition.
1004*	Change provisions of the pseudorabies eradication program.
1051*	Change the age limitation for special education provisions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1083	Change provisions for permits for the display of motor vehicles.
1150*	Change provisions of the Low Level Radioactive Waste Disposal Act.
1151*	Adopt the Radioactive Waste Disposal Liability Act.
1184*	Adopt the Nebraska State Airline Authority Act.
1231*	Adopt the Nebraska Environmental Health and Safety through Regional Cooperation Act.
1232*	Restrict the issuance of licenses under the Low Level Radioactive Waste Disposal Act.
1238*	Change provisions for construction of low level radioactive waste facilities.

W. OWEN ELMER

LB	
83*	Adopt the Noxious Weed Control Act.
117*	Adopt the Leafy Spurge Control Act.
161*	Change provisions relating to economic poisons.
268*	Appropriate funds for medical education residency program.
501	Require affixing of motor vehicle identification number.
523*	Exempt agricultural equipment sold outside Nebraska from sales tax.
690*	Change requirements for wearing helmets by motorcyclists.
716*	Create the Water Impoundment Construction Trust Fund.
742*	Change eyesight requirements for drivers licenses.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.

905*	Provide reimbursement for refunds of certain personal property taxes.
922*	Provide for civil penalties for violating provisions relating to oil and gas conservation.
935	Change a time limit for resubmission of school district bond.
936	Change provisions for filling or refilling packages of alcoholic liquors.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1003*	Authorize the Supreme Court to award costs in certain criminal prosecutions.
1013*	Change appointment provisions for treasurers of power districts.
1050*	Change a provision for exceeding the tax levy limit by technical community colleges.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1081*	Authorize persons involved in condemnation proceedings to enter property.
1102	Provide nonprofit corporation status for Sertoma International.
1115*	Exempt personal property other than motor vehicles from taxation.
1184*	Adopt the Nebraska State Airline Authority Act.
1191*	Change a provision relating to the priority of liens.

GLENN A. GOODRICH

LB	
350	Change provisions of the Nebraska Real Estate License Act.
350A	Appropriation Bill.
374*	Provide for involuntary commitments of persons with mental disorders.
422*	Authorize counties to establish community service programs.
471	Establish provisions for firefighter's clothing and equipment.
473*	Appropriate funds to state education.
503*	Increase the salaries of state constitutional officers.
503A	Appropriation Bill.
753	Change provisions of the Medical Student Assistance Act.
769*	Change provisions relating to abortion.

809***	Adopt the Property Tax Relief Trust Fund Act.
918*	Change provisions relating to rural and suburban fire protection districts.
933*	Authorize the acquisition of Joslyn Castle.
1016*	Allow state chartered savings and loan associations equal powers as federal credit unions.
1017*	Allow state chartered credit unions equal powers as federal credit unions.
1097*	Exempt certain burial goods from the requirement to be returned.
1106	Authorize the armor coating of streets in cities of the metropolitan class.
1135	Require employers to be liable for nursing and home health care services under workers' compensation laws.
1155	Authorize the obtaining of criminal history information on school employees.
1158	Create the Commission on State-Local Relations.
1220*	Provide funding to the Eppley Science Hall Construction Fund.

REX HABERMAN

LB	
268*	Appropriate funds for medical education residency program.
287	Establish a retirement system for second class city police officers.
431*	Adopt the Nebraska Connection Network Act.
610*	Create the Long-Term Care Ombudsman in the Department on Aging.
718	Provide for a refund of certain fuel taxes.
833	Lower the minimum age for voluntary participation in the State Employees Retirement System.
834	Change the age for voluntary membership in the State Employees Retirement System.
866*	Authorize a reduction in property tax valuations and provide a homestead exemption.
874	Change the date for submission of the county budget document.
875	Exempt cabin trailers from vehicle identification inspection.
876	Require the use of checks for payment of rebates of real or.
877	Require the use of checks for the payment of rebates on taxes paid on real property.

878	Require the publication of votes by the judicial nominating commissions.
879	Require repair of certain parts of the state highway system.
902*	Provide for a uniform symbol for vehicles operated by hearing impaired persons.
905*	Provide reimbursement for refunds of certain personal property taxes.
922*	Provide for civil penalties for violating provisions relating to oil and gas conservation.
948*	Change qualification and certification requirements of social workers.
949*	Eliminate the practice of social work from the Uniform Licensing Law.
952	Require the Department of Revenue to report sales tax amounts from leased vehicles.
953*	Change provisions of the State Patrol retirement plan.
953A	Appropriation Bill.
994*	Create the Office of Rural Health.
998	Appropriate funds for certain highway repair projects.
999	Establish provisions for highway repair projects and appropriate funds.
1000*	Adopt the Equipment Business Regulation Act.
1011*	Require legislative review of proposed rules and regulations.
1019*	Create the International Trade Office Division.
1039	Change provisions relating to preretirement planning programs.
1039A	Appropriation Bill.
1052	Establish a legislative committee to evaluate the southwest district of the Department of Social Services.
1060	Provide for a refund of the ethanol excise tax.
1080*	Provide for waiver of staffing requirements for skilled nursing facilities.
1088*	Adopt the Foreign and Domestic Trade Assistance Act.
1094	Change a provision for insurance relating to loan contracts.
1105	Provide a repayment option within the State Patrol Retirement System.
1114*	Change the percentage of alcohol necessary to be considered under the influence.
1115*	Exempt personal property other than motor vehicles from taxation.

1133	Establish legislative intent for highway construction.
1184*	Adopt the Nebraska State Airline Authority Act.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
1229*	Adopt the Local Option Municipal Economic Development Act.

TIMOTHY J. HALL

LB	
129	Create telephone communication system for hearing and speech impaired.
129A	Appropriation Bill.
130	Require the Commission for Hearing Impaired to provide equipment.
163*	Change provisions relating to waste reduction and recycling.
239*	Provide an income tax credit relating to child and dependent care.
240	Provide a statewide dual-party relay system for hearing-impaired or speech-impaired persons.
240A	Appropriation Bill.
243*	Provide for the offense of enticing a child.
315*	Change weekly benefit provisions under the Employment Security Act.
346*	Provide a deduction from income for certain educational expenses.
346A	Appropriation Bill.
356*	Provide a procedure for payment of certain claims of depositors.
475	Provide an alternate method of serving documents to tenants.
507*	Require supervision of apprentice electricians.
557*	Exempt food from vending machines from sales tax.
659*	Require a preplacement home study in certain adoption proceedings.
668	Change provisions for admissibility in evidence of certain crimes.
672*	Create the Rural Development Innovations Grant Program.
702	Eliminate the ex officio member of the Exec. Board of the Legislature.

703	Change provisions relating to sale of alcohol during certain hours.
704	Authorize the sale of alcoholic liquor between retailers.
707	Change sales tax provisions relating to motor vehicles.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
769*	Change provisions relating to abortion.
775*	Change the rates of tax on bingo.
796*	Appropriate funds for transit centers and bus shelters.
880*	Increase the number of judges of the district court.
901*	Change the minimum wage rate and provide for a training wage rate.
901A	Appropriation Bill.
902*	Provide for a uniform symbol for vehicles operated by hearing impaired persons.
902A	Appropriation Bill.
903	Change death benefit provisions in the school employees retirement system.
909*	Change the definition of "business inventory."
918*	Change provisions relating to rural and suburban fire protection districts.
933*	Authorize the acquisition of Joslyn Castle.
992*	Limit the adjustment to income for capital gains.
1028*	Change reporting requirements under the Employment and Investment Growth Act.
1034	Change provisions relating to parimutuel wagers.
1036*	Provide for payment of real estate taxes in monthly installments.
1038	Require landlords to attach numbers or letters to rental units.
1055	Change the amount licensees are authorized to deduct from parimutuel wagers.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1079	Change provisions relating to property taxation.
1128*	Change provisions relating to lotteries.
1142*	Change the rate of tax on certain alcoholic liquor.
1156	Change provisions for taxing bingo and pickle cards.
1157	Adopt the Nebraska State Lottery Act.
1159	Change provisions for the consumption of alcoholic liquor inside vehicles.
1162*	Change provisions regarding the rates for contracts for social services.

1165	Provide for actions to recover funds of metropolitan transit authorities.
1166	Adopt the Self-Service Storage Act.
1184*	Adopt the Nebraska State Airline Authority Act.
1215	Change the income and sales tax rates.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
1222*	Change provisions relating to foster care placements.
LR	
240CA*	Proposed constitutional amendment for a voting student member of the Board of Regents.
241CA	Proposed constitutional amendment to establish a state lottery.

GARY E. HANNIBAL

LB	
451*	Change provision for filing statements by sanitary and improvement districts.
530	Exempt certain activities from the Asbestos Control Act.
593*	Change provisions for branches of building and loan associations.
737*	Exempt certain purchases of advertising from sales and use tax.
809***	Adopt the Property Tax Relief Trust Fund Act.
918*	Change provisions relating to rural and suburban fire protection districts.
923*	Exempt certain business entities from obtaining a license to engage in an asbestos project.
933*	Authorize the acquisition of Joslyn Castle.
1130***	Enact the Tax Revenue Limitation Act.
1147*	Change provisions relating to "good time."
1154	Exempt purchases by certain rehabilitation facilities from sales and use tax.
1211	Require appropriations for legislation which increases inmate populations.
1212*	Provide for intensive supervision probation programs.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
1221	Change the membership of plumbing boards for cities of the metropolitan class.
1222*	Change provisions relating to foster care placements.

D. PAUL HARTNETT

LB	
151*	Change provisions relating to the Nebraska Historical Society.
275*	Create a property tax relief fund.
466	Exempt attorneys from abstractor's continuing education requirement.
473*	Appropriate funds to state education.
507*	Require supervision of apprentice electricians.
557*	Exempt food from vending machines from sales tax.
578	Provide duties for state investment officer relating to corporations.
602*	Change provisions relating to allocation of Highway Trust Fund.
747*	Provide a homestead exemption on actual value.
769*	Change provisions relating to abortion.
771*	Provide insurance premium reduction for certain owners.
776*	Change provisions relating to service contracts.
788	Adopt the Municipal Waste-to-Energy Facilities Act.
789	Authorize lump sum retirement benefits for certain police officers.
791	Provide for election to membership in a fire protection district.
792	Change provisions for electing trustees for sanitary improve. districts.
794	Adopt the Property Tax Equalization Commission Act.
890*	Authorize counties to provide waste disposal facilities for.
896*	Provide a withholding of income tax on certain federal annuity payments.
904	Require student teachers to have professional liability insurance.
918*	Change provisions relating to rural and suburban fire protection districts.
933*	Authorize the acquisition of Joslyn Castle.
934*	Change provisions for the operation of bicycles on roadways.
967*	Enact the Charitable Solicitation Registration Act.
1042*	Change provisions for taking criminal depositions.
1051*	Change the age limitation for special education provisions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1086	Permit counties and municipalities to contract to use school buses.

1087*	Change provisions for appointing a county highway superintendent.
1120*	Restrict the number of certain lottery locations.
1121*	Change a provision for county commissioner elections.
1128*	Change provisions relating to lotteries.
1140*	Provide for an income tax adjustment for federal government pensions.
1202	Change provisions for automobile registration by military personnel.
1209*	Change provisions for the private practice of law by public defenders.
1213*	Adopt the Local Solid Waste Management Control Act.
1214*	Change provisions for economic development.
1222*	Change provisions relating to foster care placements.
1222A	Appropriation Bill.

LR

19CA	Constitutional amendment to establish the Property Tax Equalization Commission.
243CA	Proposed constitutional amendment to allow classification of tangible property for taxation.

ELROY M. HEFNER

LB

107	Change provisions for foundation aid to schools.
224*	Adopt the Athlete Agents Registration Act.
248*	Authorize the suspension of driving privileges for certain juveniles.
249*	Adopt the Tax Delinquency Amnesty Act.
268*	Appropriate funds for medical education residency program.
409*	Adopt the Nebraska Small Business Incubator Act.
415*	Change disqualification provisions under the Employment Security Law.
557*	Exempt food from vending machines from sales tax.
571*	Prohibit the possession or transfer of anabolic steroids.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
865	Change provisions for computing the employer's contribution rate for employment security.
913*	Provide for a rebuttable presumption in truancy matters.
914*	Require proof of school attendance or graduation prior to receiving a driver's license.
967*	Enact the Charitable Solicitation Registration Act.

986	Provide for an optional deductible for medical benefits under workers' compensation laws.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1117	Require the Commission of Industrial Relations to adjust rates for changes in the cost of living.
1118*	Allow above ground fuel storage tanks.
1161*	Provide for the payment of interest on delayed beneficiary payments.
1169	Adopt the Legislative Initiative Moderating and Inhibiting Taxes Act.
1173*	Provide for the disqualification of benefits for individuals discharged for use of a controlled substance.
1226	Enact the Higher Education Drug-Free Environment Act.
1227	Provide for the offense of flag desecration.
LR	
229CA*	Proposed constitutional amendment to limit the use of certain taxes for highway construction and maintenance.

LOWELL C. JOHNSON

LB	
101*	Change provisions for all-terrain vehicles.
248*	Authorize the suspension of driving privileges for certain juveniles.
594*	Change provisions for liability of persons in nonprofit sports.
600	Appropriate funds for the University of Nebraska at Lincoln.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
891	Change provisions relating to numerals on personalized prestige license plates.
892*	Prohibit the operation of motorized vessels on game refuges during certain months.
897*	Provide reimbursement to taxing subdivisions of the state for losses resulting from certain refunds of property tax.
905*	Provide reimbursement for refunds of certain personal property taxes.
905A*	Appropriation Bill.
933*	Authorize the acquisition of Joslyn Castle.
976*	Change penalties for violation of drug laws.
993*	Prohibit the sales of food and beverages if packaged in certain containers.

1016*	Allow state chartered savings and loan associations equal powers as federal credit unions.
1017*	Allow state chartered credit unions equal powers as federal credit unions.
1091*	Prohibit the delivery of certain controlled substances to minors.
1180	Eliminate a provision for tuition payments between Class VI school districts.
1219*	Change the point of sale for floral business locations.
1220*	Provide funding to the Eppley Science Hall Construction Fund.

ROD JOHNSON

LB	
37	Change provisions relating to the Nebraska Seed Law.
37A	Appropriation Bill.
39	Change provisions relating to weights and measures.
39A	Appropriation Bill.
83*	Adopt the Noxious Weed Control Act.
117*	Adopt the Leafy Spurge Control Act.
118	Change provisions for county extension offices.
120	Permit additional security for licensee under Grain Warehouse Act.
121*	Create the Environmental Response Cooperation Fund.
161*	Change provisions relating to economic poisons.
163*	Change provisions relating to waste reduction and recycling.
163A	Appropriation Bill.
242	Authorize prior service credit for military service by teachers.
268*	Appropriate funds for medical education residency program.
356*	Provide a procedure for payment of certain claims of depositors.
435*	Modify provisions of the Political Accountability and Disclosure Act.
447*	Adopt the Secondary Vocational Education Program Improvement Act.
485	Eliminate provisions relating to transferring personalized plates.
581	Change taxation provisions for auction sales.
736*	Authorize interstate simulcasting.
749	Add a permissible type of security for loan participation.

848*	Change the dissolution date of ground water conservation districts.
855	Provide funding for the state's animal damage control program.
855A	Appropriation Bill.
856	Change provisions relating to milk products.
905*	Provide reimbursement for refunds of certain personal property taxes.
933*	Authorize the acquisition of Joslyn Castle.
971	Provide a penalty for unlawful window peeping.
972*	Create the Climate Assessment Response Committee.
973*	Establish a soil water monitoring and modeling program.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1005*	Change provisions of the Nebraska Wheat Development, Utilization, and Marketing Board.
1019*	Create the International Trade Office Division.
1019A	Appropriation Bill.
1057	Prohibit zoning ordinances which limit the location of manufactured homes.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1062*	Authorize drug or alcohol testing of applicants for employment.
1082	Exempt purchases of natural resources districts from sales and use tax.
1099*	Establish provisions for enhancing and maintaining water quality.
1186	Establish additional court costs for emergency medical services.
1186A	Appropriation Bill.
1187	Provide for interest free loans under the Medical Student Assistance Act.
1188	Create the Office of Rural Health.
1189	Provide an income tax credit for rural medical practitioners.
1190	Provide that public power districts are under the Nebraska Consultant's Competitive Negotiation Act.

FRANK KORSHOJ

LB	
81	Change provisions for election of drainage district boards.
275*	Create a property tax relief fund.

473*	Appropriate funds to state education.
490*	Make defrauding a supplier a criminal offense.
492	Change provisions relating to the election of register of deeds.
523*	Exempt agricultural equipment sold outside Nebraska from sales tax.
571*	Prohibit the possession or transfer of anabolic steroids.
672*	Create the Rural Development Innovations Grant Program.
693*	Provide for voter registration on election day.
742*	Change eyesight requirements for drivers licenses.
757*	Provide for the licensure of naturopaths.
769*	Change provisions relating to abortion.
905*	Provide reimbursement for refunds of certain personal property taxes.
933*	Authorize the acquisition of Joslyn Castle.
969	Allow adjoining natural resources districts to establish.
1028*	Change reporting requirements under the Employment and Investment Growth Act.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1116	Authorize a court to award income tax exemptions in divorce cases.
LR	
233CA*	Proposed constitutional amendment to provide organizational legislative sessions and modify the length of the ninety day session.

DOUGLAS A. KRISTENSEN

LB	
160*	Establish the University of Nebraska at Kearney.
331	Provide for legal defense of employees of political subdivisions.
332	Change provisions for appeals of valuation of real property.
376	Require laboratories to obtain permits prior to testing.
483*	Change the definition of exceptionally hazardous drug.
551*	Provide for certification of laboratories.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
880*	Increase the number of judges of the district court.
905*	Provide reimbursement for refunds of certain personal property taxes.

921*	Change provisions relating to judicial nominating commissions.
933*	Authorize the acquisition of Joslyn Castle.
939	Change provisions for the levy of property taxes.
941	Authorize the use of federal funds for public target ranges.
942	Create the Court of Appeals.
996*	Require reporting of certain currency transactions.
1020	Change provisions relating to driving under the influence of drugs or alcohol.
1021*	Allow an exemption from safety regulations for private motor.
1035*	Provide for judicial review of school board decisions.
1042*	Change provisions for taking criminal depositions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1137	Enact the Disposition of Personal Property Landlord and Tenant Act.
1138	Provide that radioactive material accepted for disposal does not become state property.
1184*	Adopt the Nebraska State Airline Authority Act.
1200	Create a counsel to the Legislature.
1222*	Change provisions relating to foster care placements.
1232*	Restrict the issuance of licenses under the Low Level Radioactive Waste Disposal Act.

BERNICE LABEDZ

LB	
187*	Change responsibility for providing medical assistance to the poor.
243*	Provide for the offense of enticing a child.
315*	Change weekly benefit provisions under the Employment Security Act.
346*	Provide a deduction from income for certain educational expenses.
356*	Provide a procedure for payment of certain claims of depositors.
507*	Require supervision of apprentice electricians.
557*	Exempt food from vending machines from sales tax.
593*	Change provisions for branches of building and loan associations.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.

664*	Rename the Department of Public Institutions.
666*	Adopt the Prevention Services Act for Children and Family Mental Health.
742*	Change eyesight requirements for drivers licenses.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
768	Authorize a city occupation tax on liquor retailers.
769*	Change provisions relating to abortion.
775*	Change the rates of tax on bingo.
796*	Appropriate funds for transit centers and bus shelters.
831	Change the numbers of members on the Land Reutilization Commission.
854*	Change the informed consent provisions for abortion.
889*	Prohibit certain activities relating to abortions and abortion referral counseling services.
905*	Provide reimbursement for refunds of certain personal property taxes.
1032*	Change provisions for expense reimbursement for certain state commissions.
1051*	Change the age limitation for special education provisions.
1115*	Exempt personal property other than motor vehicles from taxation.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
1222*	Change provisions relating to foster care placements.

HOWARD A. LAMB

LB	
101*	Change provisions for all-terrain vehicles.
268*	Appropriate funds for medical education residency program.
275*	Create a property tax relief fund.
347*	Change provisions for proof of ownership relating to motor vehicles.
369	Change the definition of farm trailer.
462	Change licensure provision for early childhood programs.
667	Change a penalty provision for issuing a bad check.
713	Change width restriction for vehicles used for hauling livestock feed.
715*	Change provisions for the transfer of ground water in Nebraska.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.

866*	Authorize a reduction in property tax valuations and provide a homestead exemption.
866A	Appropriation Bill.
910*	Change provisions relating to apportionable vehicles.
924	Eliminate a registration requirement of certain bonds with the county clerk.
926*	Require railroads to meet certain fire safety requirements.
933*	Authorize the acquisition of Joslyn Castle.
965*	Eliminate an obsolete date for election to operate as a contractor.
980A	Appropriation Bill.
1002*	Eliminate a provision relating to nonresident high school tuition.
1119*	Exempt certain vehicles from sunscreening requirements.
1130***	Enact the Tax Revenue Limitation Act.
1143	Appropriate funds to the University of Nebraska for a poultry veterinarian.

DAVID M. LANDIS

LB	
93	Change the limitation on securities registration fees.
96	Change the distribution of the cigarette tax.
98	Provide for the payment of a central data processing facility.
100	Adopt uniform provisions governing leases of goods.
151*	Change provisions relating to the Nebraska Historical Society.
164*	Require the acquisition and operation of Joslyn Castle by the Nebraska State Historical Society.
222	Change provisions for maximum liability for underinsured motorist.
248*	Authorize the suspension of driving privileges for certain juveniles.
272A	Provide a procedure for payment of certain claims of depositors.
329*	Provide an income tax credit for businesses providing day care.
329A	Appropriation Bill.
356*	Provide a procedure for payment of certain claims of depositors.
424	Provide for installation of ignition interlock devices.
479*	Adopt the Rights of the Terminally Ill Act.

542*	Authorize the establishment of risk loss trusts at the University of Nebraska.
555*	Provide for attorney consultation for persons in custody.
604	Change provisions relating to boxing.
607	Provide for valuation adjustments by State Board of Equalization.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
664*	Rename the Department of Public Institutions.
682	Change provisions relating to underground storage tanks.
835	Provide and change liability provisions for parents, guardians, and legal custodians.
836	Provide for rate regulation of telecommunications companies by the Public Service Commission.
837	Create the Commission on African-American Affairs.
838	Change provisions for claims against decedents' estates.
839	Adopt the Rights of the Terminally Ill Act.
840	Create the Eminent Scholar Program.
933*	Authorize the acquisition of Joslyn Castle.
956	Provide for the acquisition of eligible savings associations.
1012*	Provide an option under the judges retirement system.
1014	Authorize school districts to join a school activities association.
1040	Change provisions relating to deceptive trade practices.
1054*	Change provisions relating to state regulation of abortions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1061	Provide for regulation of motor vehicle service contracts.
1136	Adopt uniform provisions governing fund transfers under the Uniform Commercial Code.
1160	Provide exceptions to the prohibited activities by insurance company officers.
1198	Appropriate funds for data systems software at the Department of Insurance.
1199	Change provisions relating to credit agreements.
1222*	Change provisions relating to foster care placements.
1230*	Change provisions relating to the comprehensive health insurance pool.

LORRAINE LANGFORD

LB	
160*	Establish the University of Nebraska at Kearney.

346*	Provide a deduction from income for certain educational expenses.
348	Redefine chiropractic practice.
757*	Provide for the licensure of naturopaths.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
846	Provide for suspension of drivers licenses for certain offenses involving controlled substances.
847	Provide for issuance of special license plates to state senators.
897*	Provide reimbursement to taxing subdivisions of the state for losses resulting from certain refunds of property tax.
933*	Authorize the acquisition of Joslyn Castle.
950	Modify the definition of petroleum tanks.
976*	Change penalties for violation of drug laws.
977*	Change penalties for possession of marijuana.
1103	Change the penalty for unauthorized use of a propelled vehicle.

JOHN LINDSAY

LB	
159*	Change provisions relating to contributory fault.
164*	Require the acquisition and operation of Joslyn Castle by the Nebraska State Historical Society.
187*	Change responsibility for providing medical assistance to the poor.
243*	Provide for the offense of enticing a child.
315*	Change weekly benefit provisions under the Employment Security Act.
346*	Provide a deduction from income for certain educational expenses.
394*	Provide for motor vehicle safety inspections.
397*	Establish due process requirements for the NCAA.
540	Redefine the terms gross receipts and retail sale.
542*	Authorize the establishment of risk loss trusts at the University of Nebraska.
685	Change provisions for right of appeal in criminal proceedings.
686	Change provisions for defense to charge selling of alcohol to minors.
688	Authorize persons at child care facilities to perform health services.
688A	Appropriation Bill.

689*	Change provisions for contracts for certain vending operations.
769*	Change provisions relating to abortion.
775*	Change the rates of tax on bingo.
854*	Change the informed consent provisions for abortion.
880*	Increase the number of judges of the district court.
889*	Prohibit certain activities relating to abortions and abortion referral counseling services.
933*	Authorize the acquisition of Joslyn Castle.
940	Change licensing provisions for falconry.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1003*	Authorize the Supreme Court to award costs in certain criminal prosecutions.
1035*	Provide for judicial review of school board decisions.
1042*	Change provisions for taking criminal depositions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1093	Change provisions for metropolitan water district territories.
1141*	Change the governance of public postsecondary educational institutions.
1144	Adopt the Computer Crimes Act.
1152	Change provisions relating to validity and revocation of certain wills.
1217	Change provisions for lessor's liability under the Consumer Rental Purchase Agreement Act.
1220*	Provide funding to the Eppley Science Hall Construction Fund.

LR

239CA*	Proposed constitutional amendment to establish the Board of Regents for Nebraska Higher Education.

DANIEL C. LYNCH

LB

151*	Change provisions relating to the Nebraska Historical Society.
187*	Change responsibility for providing medical assistance to the poor.
187A	Appropriation Bill.
210*	Provide immunity from civil liability for certain physicians.
346*	Provide a deduction from income for certain educational expenses.

356*	Provide a procedure for payment of certain claims of depositors.
367	Change a provision for employer's failure to obtain workers' compensation.
374*	Provide for involuntary commitments of persons with mental disorders.
422*	Authorize counties to establish community service programs.
503*	Increase the salaries of state constitutional officers.
507*	Require supervision of apprentice electricians.
549	Change provisions relating to the substitution of securities.
550	Provide limitations on issuance of deer permits to nonresidents.
551*	Provide for certification of laboratories.
551A	Appropriation Bill.
593*	Change provisions for branches of building and loan associations.
659*	Require a preplacement home study in certain adoption proceedings.
689*	Change provisions for contracts for certain vending operations.
737*	Exempt certain purchases of advertising from sales and use tax.
769*	Change provisions relating to abortion.
796*	Appropriate funds for transit centers and bus shelters.
841	Change provisions for taxation of gambling activities.
893	Change the mileage rate allowed county officers.
896*	Provide a withholding of income tax on certain federal annuity payments.
905*	Provide reimbursement for refunds of certain personal property taxes.
916*	Adopt the Family Medical Leave Act.
917*	Eliminate an expenditure limitation under the Disabled Persons and Family Support Act.
918*	Change provisions relating to rural and suburban fire protection districts.
933*	Authorize the acquisition of Joslyn Castle.
943*	Provide for creation of a zoning category for low-income housing.
944	Change plan submission requirements for housing authorities.
945*	Place restrictions on the location of low-income housing.

946	Change requirements for scald prevention devices.
947	Change provisions relating to pickle cards.
1001	Establish Workers Memorial Day.
1015	Provide a sales tax exemption for organizations providing services to homeless.
1043	Change provisions for the existence of public building commissions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1062*	Authorize drug or alcohol testing of applicants for employment.
1065	Provide for registration of certified dental technicians.
1095	Change provisions relating to grandparent visitation.
1097*	Exempt certain burial goods from the requirement to be returned.
1112	Create a registry of persons with brain or head injuries.
1128*	Change provisions relating to lotteries.
1140*	Provide for an income tax adjustment for federal government pensions.
1162*	Change provisions regarding the rates for contracts for social services.
1194*	Change provisions for hearings for persons acquitted on insanity grounds.
1222*	Change provisions relating to foster care placements.

JAMES D. MCFARLAND

LB	
159*	Change provisions relating to contributory fault.
180	Provide free tuition for persons over age 60.
224*	Adopt the Athlete Agents Registration Act.
224A	Appropriation Bill.
226	Establish the Unicameral Scholars Academy.
226A	Appropriation Bill.
227	Change provisions relating to the revocation of drivers' licenses.
227A	Appropriation Bill.
313	Increase maximum weekly income benefits under workers' compensation.
313A	Appropriation Bill.
356*	Provide a procedure for payment of certain claims of depositors.
437	Limit the receipt of incentives, refunds, or tax credits.
437A	Appropriation Bill.
558	Change provisions relating to alimony.

560*	Require infertility coverage in certain health insurance policies.
618*	Provide funds for staff development of educational service units.
769*	Change provisions relating to abortion.
784	Change the income tax rates.
889*	Prohibit certain activities relating to abortions and abortion referral counseling services.
894	Limit the receipt of incentives, refunds, or tax credits under the Employment and Investment Growth Act.
933*	Authorize the acquisition of Joslyn Castle.
962	Adopt the Protocol Act.
962A	Appropriation Bill.
963	Authorize schools to contract for nonteaching services.
967*	Enact the Charitable Solicitation Registration Act.
1010*	Provide for an additional transition benefit for aid to dependent children.
1010A*	Appropriation Bill.
1012*	Provide an option under the judges retirement system.
1024	Prohibit abortion for the purpose of gender preference.
1025	Withdraw Nebraska from the Central Interstate Low-Level Radioactive Waste Compact.
1026*	Require certain school districts to provide preparation time for teachers.
1028*	Change reporting requirements under the Employment and Investment Growth Act.
1035*	Provide for judicial review of school board decisions.
1108	Require school districts to submit a listing of certificated personnel.
1109	Change provisions for school board meetings for Class IV and V school districts.
1110*	Require insurance coverage for low-dose mammography.
1111	Provide for a statewide program of low-dose mammography.
1145*	Provide a rebuttable presumption concerning liability and responsibility for radioactive contamination.
1163	Prohibit court reporters from soliciting additional business.
1164	Change provisions relating to low level radioactive waste.
1237	Require a financial interest statement to operate a low level radioactive waste facility.

SCOTT MOORE

LB	
101*	Change provisions for all-terrain vehicles.
102*	Limit minors access to certain harmful materials.
117*	Adopt the Leafy Spurge Control Act.
268*	Appropriate funds for medical education residency program.
435*	Modify provisions of the Political Accountability and Disclosure Act.
461	Change provision relating to maximum time-price differential.
472*	Adopt the First Responders Emergency Rescue Act.
490*	Make defrauding a supplier a criminal offense.
491	Change provisions relating to licensing of optometrists.
533	Change condemnation provisions for telephone companies.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
690*	Change requirements for wearing helmets by motorcyclists.
734	Change provisions for payment of education and transportation costs.
735	Adopt the Nebraska Postsecondary Student Computer Availability Act.
742*	Change eyesight requirements for drivers licenses.
809***	Adopt the Property Tax Relief Trust Fund Act.
848*	Change the dissolution date of ground water conservation districts.
849	Change provisions for evidence of ownership of branded cattle.
850	Provide a sales and use tax exemption for housing authorities.
881*	Exempt purchases made by county agricultural societies from sales and use taxes.
905*	Provide reimbursement for refunds of certain personal property taxes.
925	Authorize the use of oral pharmaceutical agents by optometrists.
933*	Authorize the acquisition of Joslyn Castle.
996*	Require reporting of certain currency transactions.
1009	Establish the Nebraska One Hundred Twenty-fifth Anniversary Commission.
1009A	Appropriation Bill.

1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1059A*	Appropriation Bill.
1072*	Require competitive bidding for provider contracts with health maintenance organizations.
1123	Provide freedom of choice for the selection of health practitioners.
1167*	Provide for the conveyance of an easement for the installation of utility lines.
1197	Provide an exception under the school enrollment option program.
1222*	Change provisions relating to foster care placements.
LR	
240CA*	Proposed constitutional amendment for a voting student member of the Board of Regents.

SPENCER W. MORRISSEY

LB

268*	Appropriate funds for medical education residency program.
356*	Provide a procedure for payment of certain claims of depositors.
517*	Require the compilation of a master voter registration list.
523*	Exempt agricultural equipment sold outside Nebraska from sales tax.
693*	Provide for voter registration on election day.
905*	Provide reimbursement for refunds of certain personal property taxes.
922*	Provide for civil penalties for violating provisions relating to oil and gas conservation.
933*	Authorize the acquisition of Joslyn Castle.
968	Change provisions for removal of weeds and litter.
991	Adopt the Employee Right-to-Know Act.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1072*	Require competitive bidding for provider contracts with health maintenance organizations.
1073*	Prohibit medical benefit contracts from requiring the use of mail order pharmacies.
1092*	Appropriate funds to study chinch bugs.

1134	Provide a refund of vehicle registration fees when tax situs is moved outside the state.
1145*	Provide a rebuttable presumption concerning liability and responsibility for radioactive contamination.
1150*	Change provisions of the Low Level Radioactive Waste Disposal Act.
1151*	Adopt the Radioactive Waste Disposal Liability Act.
1213*	Adopt the Local Solid Waste Management Control Act.
1232*	Restrict the issuance of licenses under the Low Level Radioactive Waste Disposal Act.

ARLENE NELSON

LB	
159*	Change provisions relating to contributory fault.
268*	Appropriate funds for medical education residency program.
275*	Create a property tax relief fund.
447*	Adopt the Secondary Vocational Education Program Improvement Act.
447A	Appropriation Bill.
656	Establish provisions for membership camping contracts.
674*	Change provisions relating to the sale of obscene materials to minors.
736*	Authorize interstate simulcasting.
809***	Adopt the Property Tax Relief Trust Fund Act.
853*	Change provisions for filling vacancies on councils of cities of the first class.
869*	Prohibit the deposit of out-of-state asbestos at disposal sites.
915*	Increase the amount allowed for burial expenses under the Burial Pre-Need Sale Act.
918*	Change provisions relating to rural and suburban fire protection districts.
923*	Exempt certain business entities from obtaining a license to engage in an asbestos project.
933*	Authorize the acquisition of Joslyn Castle.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1054*	Change provisions relating to state regulation of abortions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1142*	Change the rate of tax on certain alcoholic liquor.

1148*	Provide an exemption to the open meetings law during the filling of a vacancy on a public body.
1167*	Provide for the conveyance of an easement for the installation of utility lines.
1184*	Adopt the Nebraska State Airline Authority Act.
1222*	Change provisions relating to foster care placements.

RICHARD PETERSON

LB

111*	Authorize the service of papers by private individuals.
131	Change the definition of apportionable vehicle.
249*	Adopt the Tax Delinquency Amnesty Act.
347*	Change provisions for proof of ownership relating to motor vehicles.
374*	Provide for involuntary commitments of persons with mental disorders.
472*	Adopt the First Responders Emergency Rescue Act.
674*	Change provisions relating to the sale of obscene materials to minors.
690*	Change requirements for wearing helmets by motorcyclists.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
830*	Change provisions relating to vacant state buildings and excess state-owned land.
854*	Change the informed consent provisions for abortion.
872	Eliminate a provision allowing sheriffs to execute process after expiration of their term.
873	Create the State Oversight Mental Health Committee.
929*	Extend provisions of the Property Tax Relief Act.
976*	Change penalties for violation of drug laws.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
1222*	Change provisions relating to foster care placements.
1229*	Adopt the Local Option Municipal Economic Development Act.

LR

11CA*	Authorize cities to use local revenue for economic development.

CAROL MCBRIDE PIRSCH

LB	
86	Change provisions relating to theft.
87	Change provisions for consultations regarding plea bargains.
109	Change provisions regarding facilities for serving sentences of one year.
111*	Authorize the service of papers by private individuals.
218*	Provide warrantless arrests for offenses involving household members.
219	Create the offense of criminal child enticement.
220	Authorize the use of electronic surveillance devices.
220A	Appropriation Bill.
399	Authorize the use of house arrest for certain crimes.
594*	Change provisions for liability of persons in nonprofit sports.
618*	Provide funds for staff development of educational service units.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
664*	Rename the Department of Public Institutions.
674*	Change provisions relating to the sale of obscene materials to minors.
757*	Provide for the licensure of naturopaths.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
867	Provide notice of requests for zoning changes in cities of the metropolitan class.
868	Change provisions of the Nebraska Crime Victim's Reparations Act.
918*	Change provisions relating to rural and suburban fire protection districts.
933*	Authorize the acquisition of Joslyn Castle.
943*	Provide for creation of a zoning category for low-income housing.
945*	Place restrictions on the location of low-income housing.
976*	Change penalties for violation of drug laws.
977*	Change penalties for possession of marijuana.
978	Change the composition of retirement community governing bodies.
993*	Prohibit the sales of food and beverages if packaged in certain containers.

1044*	Provide procedures for actions involving claims against first and second class cities.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1091*	Prohibit the delivery of certain controlled substances to minors.
1212*	Provide for intensive supervision probation programs.
1228	Provide for the merger of corporations and limited partnerships.

JENNIE ROBAK

LB	
275*	Create a property tax relief fund.
472*	Adopt the First Responders Emergency Rescue Act.
628*	Change provision relating to notice of public meetings.
690*	Change requirements for wearing helmets by motorcyclists.
736*	Authorize interstate simulcasting.
742*	Change eyesight requirements for drivers licenses.
747*	Provide a homestead exemption on actual value.
769*	Change provisions relating to abortion.
805*	Change provisions for collection of child support.
882	Limit parental liability for destruction of property caused by a child.
883	Permit landlords to dispose of personal property abandoned by tenants.
884	Require the synchronization of traffic-control signal lights.
885	Authorize reimbursement for jurors for child care services.
923*	Exempt certain business entities from obtaining a license to engage in an asbestos project.
933*	Authorize the acquisition of Joslyn Castle.
951	Provide for the imposition of intermittent sentences.
965*	Eliminate an obsolete date for election to operate as a contractor.
1013*	Change appointment provisions for treasurers of power districts.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1139	Provide for Pearl Harbor survivor and POW license plates for.
1140*	Provide for an income tax adjustment for federal government pensions.

1161*	Provide for the payment of interest on delayed beneficiary payments.
1184*	Adopt the Nebraska State Airline Authority Act.
1201	Provide for regional high schools.

CARSON H. ROGERS

LB	
346*	Provide a deduction from income for certain educational expenses.
347*	Change provisions for proof of ownership relating to motor vehicles.
557*	Exempt food from vending machines from sales tax.
769*	Change provisions relating to abortion.
809***	Adopt the Property Tax Relief Trust Fund Act.
852	Change provisions relating to publication of county board proceedings.
866*	Authorize a reduction in property tax valuations and provide a homestead exemption.
896*	Provide a withholding of income tax on certain federal annuity payments.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
1004*	Change provisions of the pseudorabies eradication program.
1004A	Appropriation Bill.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1119*	Exempt certain vehicles from sunscreening requirements.
1161*	Provide for the payment of interest on delayed beneficiary payments.
1184*	Adopt the Nebraska State Airline Authority Act.

STAN SCHELLPEPER

LB	
161*	Change provisions relating to economic poisons.
163*	Change provisions relating to waste reduction and recycling.
268*	Appropriate funds for medical education residency program.
394*	Provide for motor vehicle safety inspections.
422*	Authorize counties to establish community service programs.
447*	Adopt the Secondary Vocational Education Program Improvement Act.

472*	Adopt the First Responders Emergency Rescue Act.
520*	Adopt the Nursing Incentive Act.
520A	Appropriation Bill.
618*	Provide funds for staff development of educational service units.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
769*	Change provisions relating to abortion.
830*	Change provisions relating to vacant state buildings and excess state-owned land.
881*	Exempt purchases made by county agricultural societies from sales and use taxes.
905*	Provide reimbursement for refunds of certain personal property taxes.
933*	Authorize the acquisition of Joslyn Castle.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
994*	Create the Office of Rural Health.
994A	Appropriation Bill.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
997	Change the termination date for the Commission on Rural Health Manpower.
1000*	Adopt the Equipment Business Regulation Act.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1080*	Provide for waiver of staffing requirements for skilled nursing facilities.
1080A	Appropriation Bill.
1182	Allocate a portion of cigarette tax to state fair grounds building maintenance fund.
1222*	Change provisions relating to foster care placements.
1229*	Adopt the Local Option Municipal Economic Development Act.
1231*	Adopt the Nebraska Environmental Health and Safety through Regional Cooperation Act.
1232*	Restrict the issuance of licenses under the Low Level Radioactive Waste Disposal Act.
LR	
11CA*	Authorize cities to use local revenue for economic development.

DIANNA R. SCHIMEK

LB	
163*	Change provisions relating to waste reduction and recycling.
315*	Change weekly benefit provisions under the Employment Security Act.
356*	Provide a procedure for payment of certain claims of depositors.
394*	Provide for motor vehicle safety inspections.
428*	Establish the Nebraska Central Facility for Microscopy and Microanalysis.
514*	Establish a comprehensive health education system in public schools.
514A*	Appropriation Bill.
517*	Require the compilation of a master voter registration list.
770*	Appropriate funds for academic computing and library automation.
776*	Change provisions relating to service contracts.
933*	Authorize the acquisition of Joslyn Castle.
967*	Enact the Charitable Solicitation Registration Act.
970	Authorize the Department of Correctional Services to convey property.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1012*	Provide an option under the judges retirement system.
1027	Provide that psychological impact is not a material fact which must be disclosed in a real estate transaction.
1030*	Adopt the Campaign Finance Reform Act.
1054*	Change provisions relating to state regulation of abortions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1084*	Change provisions for electing county commissioners in Lancaster County.
1098*	Provide for public building commissions established by cities of the primary class.
1110*	Require insurance coverage for low-dose mammography.
1113*	Prohibit certain discriminatory actions relating to housing.
1140*	Provide for an income tax adjustment for federal government pensions.
1184*	Adopt the Nebraska State Airline Authority Act.
1206	Change provisions for the selection of presidential electors.

1220*	Provide funding to the Eppley Science Hall Construction Fund.
1222*	Change provisions relating to foster care placements.

LORAN SCHMIT

LB	
40*	Modify provisions of judges retirement plan.
41*	Provide for adjustments of judges retirement allowance.
42*	Change provisions relating to Supreme Court salaries.
42A	Appropriation Bill.
260*	Provide for a tax on marijuana and controlled substances.
268*	Appropriate funds for medical education residency program.
270*	Change provisions for filing of protests to Natural Resources projects.
317	Increase amount in the Veterans' Aid Fund.
339	Provide for a bow hunter education program.
346*	Provide a deduction from income for certain educational expenses.
356*	Provide a procedure for payment of certain claims of depositors.
457	Provide for branch banks.
616	Require the installation of main electrical disconnects.
617	Provide for coordinated operation of electric power facilities.
628*	Change provision relating to notice of public meetings.
641	Change provisions relating to horse racing.
675	Appropriate funds for a State Patrol helicopter.
677	Appropriate funds for overtime compensation for drug investigators.
696	Change provisions for establishing rates by public power districts.
716*	Create the Water Impoundment Construction Trust Fund.
742*	Change eyesight requirements for drivers licenses.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
769*	Change provisions relating to abortion.
797	Appropriate funds to the Highway Trust Fund.
802	Provide to include chiropractors as physicians under rules of evidence.
805*	Change provisions for collection of child support.
807	Provide for sale of educational lands and property tax relief.

808	Authorize the sale of seized firearms.
886*	Provide the Attorney General with sole responsibility of prosecuting crimes against children.
909*	Change the definition of "business inventory."
987	Change provisions for recycling management.
987A	Appropriation Bill.
1003*	Authorize the Supreme Court to award costs in certain criminal prosecutions.
1005*	Change provisions of the Nebraska Wheat Development, Utilization, and Marketing Board.
1013*	Change appointment provisions for treasurers of power districts.
1074	Change the observance of Memorial Day.
1099*	Establish provisions for enhancing and maintaining water quality.
1099A	Appropriation Bill.
1124*	Create a tax credit for ethanol production.
1127	Eliminate the statute of limitations for filing product liability actions.
1140*	Provide for an income tax adjustment for federal government pensions.
1146	Change a restriction on bank holding companies.
1168*	Change provisions for fees paid by applicants for permits to operate hazardous waste facilities.
1179	Eliminate the Nebraska Gasohol Committee.
1191*	Change a provision relating to the priority of liens.
1192	Provide for the review of insurance claims.
1218	Adopt the School District Support Act.
1222*	Change provisions relating to foster care placements.
1223	Appropriate funds to the State Patrol for a helicopter.
1224	Provide funding for conservation practices on range and pasture land.
1225	Change penalty provisions under the Environmental Protection Act.
1231*	Adopt the Nebraska Environmental Health and Safety through Regional Cooperation Act.
1233	Eliminate the practice of respiratory care from the Uniform Licensing Law.
1234	Eliminate certain exemptions from real property taxes.
1235	Exempt personal property other than motor vehicles from taxation.
1238*	Change provisions for construction of low level radioactive waste facilities.

LR	
242CA*	Proposed constitutional amendment to allow valuation by earning capacity or market value.
244CA	Proposed constitutional amendment to allocate income from school lands.

SANDRA K. SCOFIELD

LB	
117*	Adopt the Leafy Spurge Control Act.
161*	Change provisions relating to economic poisons.
163*	Change provisions relating to waste reduction and recycling.
268*	Appropriate funds for medical education residency program.
510	Provide for community action services.
518*	Appropriate funds for a potato development specialist.
555*	Provide for attorney consultation for persons in custody.
650	Change provisions for access to abused or neglected persons records.
662*	Adopt the Family Services Incentive Act for Communities.
662A	Appropriation Bill.
663*	Adopt the Juvenile Services Act.
663A	Appropriation Bill.
664*	Rename the Department of Public Institutions.
666*	Adopt the Prevention Services Act for Children and Family Mental Health.
672*	Create the Rural Development Innovations Grant Program.
715*	Change provisions for the transfer of ground water in Nebraska.
770*	Appropriate funds for academic computing and library automation.
887	Redefine the term "farm truck."
897*	Provide reimbursement to taxing subdivisions of the state for losses resulting from certain refunds of property tax.
898*	Provide for the development of the Trailside Complex at Fort.
899*	Appropriate funds for a potato specialist.
905*	Provide reimbursement for refunds of certain personal property taxes.
905A*	Appropriation Bill.
911*	Create the Lifelong Learning Center.

926*	Require railroads to meet certain fire safety requirements.
932*	Eliminate provisions for recapture of reimbursements for railroad lawsuits.
933*	Authorize the acquisition of Joslyn Castle.
1005*	Change provisions of the Nebraska Wheat Development, Utilization, and Marketing Board.
1058	Establish disqualification provisions for members of judicial nominating commissions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1118*	Allow above ground fuel storage tanks.
1184*	Adopt the Nebraska State Airline Authority Act.
1184A	Appropriation Bill.
1222*	Change provisions relating to foster care placements.
1229*	Adopt the Local Option Municipal Economic Development Act.
1231*	Adopt the Nebraska Environmental Health and Safety through Regional Cooperation Act.
1232*	Restrict the issuance of licenses under the Low Level Radioactive Waste Disposal Act.
LR	
11CA*	Authorize cities to use local revenue for economic development.

JACKLYN J. SMITH

LB	
65	Require hunters to wear hunter orange material.
72	Change provisions relating to motorcycle operators' licenses.
121*	Create the Environmental Response Cooperation Fund.
268*	Appropriate funds for medical education residency program.
275*	Create a property tax relief fund.
290	Require training in foster care.
290A	Appropriation Bill.
520*	Adopt the Nursing Incentive Act.
594*	Change provisions for liability of persons in nonprofit sports.
610*	Create the Long-Term Care Ombudsman in the Department on Aging.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
664*	Rename the Department of Public Institutions.

666*	Adopt the Prevention Services Act for Children and Family Mental Health.
742*	Change eyesight requirements for drivers licenses.
743*	Appropriate funds for the Nebraska Community Aging Services Act.
771*	Provide insurance premium reduction for certain owners.
809***	Adopt the Property Tax Relief Trust Fund Act.
853*	Change provisions for filling vacancies on councils of cities of the first class.
862	Provide a Gaming Commissioner for bingo and other gambling.
863	Change a reference to the National Electrical Code.
864	Restrict advertising of bingo and other gambling.
900*	Provide a personal needs allowance for aged, blind, and disabled persons.
900A*	Appropriation Bill.
905*	Provide reimbursement for refunds of certain personal property taxes.
915*	Increase the amount allowed for burial expenses under the Burial Pre-Need Sale Act.
915A*	Appropriation Bill.
933*	Authorize the acquisition of Joslyn Castle.
967*	Enact the Charitable Solicitation Registration Act.
993*	Prohibit the sales of food and beverages if packaged in certain containers.
1045*	Adopt the Child Health Insurance Reform Act.
1046*	Require the Department of Health to provide vaccine for immunization of children.
1047*	Change eligibility provisions for medical assistance.
1047A*	Appropriation Bill.
1049	Change provisions for the use of gross receipts from a bingo occasion.
1053	Change provisions relating to gambling.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1081*	Authorize persons involved in condemnation proceedings to enter property.
1100	Change a penalty provision for licensees of the State Racing Commission.
1101	Change provisions for the consumption of alcoholic liquor in vehicles.
1115*	Exempt personal property other than motor vehicles from taxation.

1124*	Create a tax credit for ethanol production.
1148*	Provide an exemption to the open meetings law during the filling of a vacancy on a public body.
1149	Provide for payment of expenses associated with hemophilia.
1162*	Change provisions regarding the rates for contracts for social services.
1184*	Adopt the Nebraska State Airline Authority Act.
1222*	Change provisions relating to foster care placements.
1236	Provide for certain free services from libraries.
LR	
11CA*	Authorize cities to use local revenue for economic development.

JEROME WARNER

LB	
76	Provide entities created by local public agencies are not state agencies.
160*	Establish the University of Nebraska at Kearney.
356*	Provide a procedure for payment of certain claims of depositors.
598	Adopt the Alternative Investment Act.
602*	Change provisions relating to allocation of Highway Trust Fund.
624*	Adopt the Uniform Unclaimed Property Act.
729	Require submission of tax expenditure reports and summaries.
730	Change compensation for public power and irrigation district directors.
809***	Adopt the Property Tax Relief Trust Fund Act.
832	Provide an increase in the sales tax on motor vehicles, trailers, semitrailers and related services.
851*	Provide for service taps along natural gas pipelines.
905*	Provide reimbursement for refunds of certain personal property taxes.
920	Create the Public Safety Cash Fund and the Personal Property Tax Reimbursement Fund.
921*	Change provisions relating to judicial nominating commissions.
955	Require legislative review of disputed claims under the State Contract Claims Act.
1032*	Change provisions for expense reimbursement for certain state commissions.

1036*	Provide for payment of real estate taxes in monthly installments.
1077	Prohibit recovery of damages from exceeding posted weight or load limits.
1129*	Provide for client service contracts for community based mental retardation programs.
1130***	Enact the Tax Revenue Limitation Act.
1131**	Adopt the Property Tax Full Disclosure Act.
1141*	Change the governance of public postsecondary educational institutions.
1141A	Appropriation Bill.
1210	Establish provisions for general fund budget limitations.
1240	Require the State Board of Equalization to set sales and income tax rates.

LR

229CA*	Proposed constitutional amendment to limit the use of certain taxes for highway construction and maintenance.
239CA*	Proposed constitutional amendment to establish the Board of Regents for Nebraska Higher Education.
242CA*	Proposed constitutional amendment to allow valuation by earning capacity or market value.

ROGER R. WEHRBEIN

LB

50*	Change provisions for the protection of animals.
234	Change provisions to increase amount paid to jurors.
269	Change provisions relating to the Nebraska Clean Indoor Air Act.
328	Provide for revocation of beneficiary designation.
333*	Authorize acquisition of detached auxiliary offices by a bank.
536	Authorize an additional aid to dependent children payment.
537	Permit local hospital districts to operate housing facilities.
624*	Adopt the Uniform Unclaimed Property Act.
769*	Change provisions relating to abortion.
770*	Appropriate funds for academic computing and library automation.
809***	Adopt the Property Tax Relief Trust Fund Act.
851*	Provide for service taps along natural gas pipelines.
897*	Provide reimbursement to taxing subdivisions of the state for losses resulting from certain refunds of property tax.

905*	Provide reimbursement for refunds of certain personal property taxes.
919	Eliminate an affidavit requirement for real property used for cemetery purposes.
966	Change provisions for passage of ordinances by cities with a commission form of government.
972*	Create the Climate Assessment Response Committee.
973*	Establish a soil water monitoring and modeling program.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
1004*	Change provisions of the pseudorabies eradication program.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1089	Provide an exception for students of chiropractic.
1114*	Change the percentage of alcohol necessary to be considered under the influence.
1130***	Enact the Tax Revenue Limitation Act.

JOHN L. WEIHING

LB	
54	Change disclosure provisions under the Nebraska Pure Food Act.
54A	Appropriation Bill.
55*	Exempt certain officials from financial disclosure requirements.
83*	Adopt the Noxious Weed Control Act.
161*	Change provisions relating to economic poisons.
394*	Provide for motor vehicle safety inspections.
505	Change provisions of the Uniform Federal Lien Registration Act.
505A	Appropriation Bill.
518*	Appropriate funds for a potato development specialist.
642*	Require a waiting period prior to transferring of a handgun.
692*	Change provisions for refunding bonds issued by public entities.
756	Change provisions for combining of duties in offices and employments.
758	Change provisions relating to deposit of securities in lieu of bonds.
809***	Adopt the Property Tax Relief Trust Fund Act.
845*	Provide equalization aid to technical community colleges.

892*	Prohibit the operation of motorized vessels on game refuges during certain months.
898*	Provide for the development of the Trailside Complex at Fort.
899*	Appropriate funds for a potato specialist.
911*	Create the Lifelong Learning Center.
912	Amend the Offstreet Parking District Act and the Business Improvement District Act.
913*	Provide for a rebuttable presumption in truancy matters.
914*	Require proof of school attendance or graduation prior to receiving a driver's license.
933*	Authorize the acquisition of Joslyn Castle.
995*	Appropriate funds to renovate greenhouses on the University of Nebraska East Campus.
1050*	Change a provision for exceeding the tax levy limit by technical community colleges.
1054*	Change provisions relating to state regulation of abortions.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1115*	Exempt personal property other than motor vehicles from taxation.
1141*	Change the governance of public postsecondary educational institutions.
1184*	Adopt the Nebraska State Airline Authority Act.
1193	Provide for an independent cause of action of persons injured by unfair methods of competition or deceptive acts.
1220*	Provide funding to the Eppley Science Hall Construction Fund.
LR	
239CA*	Proposed constitutional amendment to establish the Board of Regents for Nebraska Higher Education.

DON WESELY

LB	
163*	Change provisions relating to waste reduction and recycling.
338A	Appropriation Bill.
343A	Appropriation Bill.
356*	Provide a procedure for payment of certain claims of depositors.

359	Require Nebraska Investment Council approval to retain services.
363	Adopt the Rehabilitation and Support Mental Health Services Act.
380	Change coverage provisions under the Comprehensive Health Ins. Pool.
428*	Establish the Nebraska Central Facility for Microscopy and Microanalysis.
430	Provide for long-term appropriations for economic development activities.
431*	Adopt the Nebraska Connection Network Act.
431A	Appropriation Bill.
562	Authorize bonds for the abatement of environmental hazards by schools.
567*	Establish the Early Childhood Training Center and the Early Childhood Education Pilot Project Program.
577	Adopt the Venture Capital Company Act.
645	Authorize continued renovation of Morrill Hall.
647	Provide for linked deposits under the Nebraska Capital Expansion Act.
662*	Adopt the Family Services Incentive Act for Communities.
663*	Adopt the Juvenile Services Act.
664*	Rename the Department of Public Institutions.
678	Change provisions for early childhood programs.
678A	Appropriation Bill.
689*	Change provisions for contracts for certain vending operations.
720	Require Director of Social Services to maintain caseload standards.
720A	Appropriation Bill.
723	Change provisions for prescriptions provided to indigent persons.
723A	Appropriation Bill.
746	Change provisions of the Bank Holding Company Act.
869*	Prohibit the deposit of out-of-state asbestos at disposal sites.
870	Permit students of osteopathic medicine to obtain assistance from the Nebraska Medical Student Assistance Act.
871	Redefine the term "health clinic."
886*	Provide the Attorney General with sole responsibility of prosecuting crimes against children.

900*	Provide a personal needs allowance for aged, blind, and disabled persons.
900A*	Appropriation Bill.
915*	Increase the amount allowed for burial expenses under the Burial Pre-Need Sale Act.
915A*	Appropriation Bill.
916*	Adopt the Family Medical Leave Act.
917*	Eliminate an expenditure limitation under the Disabled Persons and Family Support Act.
923A	Appropriation Bill.
988	Provide regulation of unsolicited fax messages.
989	Provide for a health care costs data center.
989A	Appropriation Bill.
992*	Limit the adjustment to income for capital gains.
1006	Increase the number of members on the Environmental Control Council.
1007	Change provisions for donorship of anatomical gifts.
1008	Change provisions of the Nebraska Hospital-Medical Liability Act.
1010*	Provide for an additional transition benefit for aid to dependent children.
1012*	Provide an option under the judges retirement system.
1019*	Create the International Trade Office Division.
1028*	Change reporting requirements under the Employment and Investment Growth Act.
1029	Provide for regulation of executive branch lobbying.
1030*	Adopt the Campaign Finance Reform Act.
1045*	Adopt the Child Health Insurance Reform Act.
1046*	Require the Department of Health to provide vaccine for immunization of children.
1047*	Change eligibility provisions for medical assistance.
1047A*	Appropriation Bill.
1064	Change provisions for persons handling radiation.
1064A	Appropriation Bill.
1066A	Appropriation Bill.
1076	Provide for closing of streets or sidewalks for activities sponsored by nonprofit organizations.
1084*	Change provisions for electing county commissioners in Lancaster County.
1085A	Appropriation Bill.
1088*	Adopt the Foreign and Domestic Trade Assistance Act.
1113*	Prohibit certain discriminatory actions relating to housing.
1113A	Appropriation Bill.

1129*	Provide for client service contracts for community based mental retardation programs.
1132	Provide drug and alcohol treatment for medicaid recipients.
1142*	Change the rate of tax on certain alcoholic liquor.
1230*	Change provisions relating to the comprehensive health insurance pool.
1246*	Provide for court orders requiring testimony from witnesses before a special committee of the Legislature.
1246A	Appropriation Bill.
LR	
237CA*	Proposed constitutional amendment to provide for legislative confirmation of judges.

RON WITHEM

LB	
151*	Change provisions relating to the Nebraska Historical Society.
163*	Change provisions relating to waste reduction and recycling.
191	Require political subdivisions to maintain file on lobbyists.
244	Authorize a penalty for failure to have a license under city codes.
248*	Authorize the suspension of driving privileges for certain juveniles.
259	Provide a method for Class I schools to affiliate with other districts.
259A	Appropriation Bill.
275*	Create a property tax relief fund.
373	Establish height requirements for motor vehicles.
488A	Appropriation Bill.
534*	Change provisions of the Political Accountability and Disclosure Act.
567*	Establish the Early Childhood Training Center and the Early Childhood Education Pilot Project Program.
567A	Appropriation Bill.
590*	Create the Professional Staff Recruitment, Retention, and Development Program.
601	Require campaign committee for candidates campaigning as a team.
638*	Change the order of candidate names appearing on ballots.

719*	Provide funding for a 911 emergency telephone communication system.
724	Change provision for construction of terms home for aged or infirm.
725	Change provisions for destruction of motor vehicle certificates of title.
726	Change provisions of the Emergency Medical Technician Act.
742*	Change eyesight requirements for drivers licenses.
747*	Provide a homestead exemption on actual value.
857	List the names of recognized veterans organizations.
890*	Authorize counties to provide waste disposal facilities for.
896*	Provide a withholding of income tax on certain federal annuity payments.
896A	Appropriation Bill.
905*	Provide reimbursement for refunds of certain personal property taxes.
909*	Change the definition of "business inventory."
933*	Authorize the acquisition of Joslyn Castle.
960	Adopt the School Restructuring Act.
960A	Appropriation Bill.
990	Prohibit a consultant on a public building project from designing such project.
1023*	Prohibit the advertising of point spreads and betting lines.
1059*	Adopt the Tax Equity and Educational Opportunities Support Act.
1059A*	Appropriation Bill.
1087*	Change provisions for appointing a county highway superintendent.
1120*	Restrict the number of certain lottery locations.
1121*	Change a provision for county commissioner elections.
1140*	Provide for an income tax adjustment for federal government pensions.
1141*	Change the governance of public postsecondary educational institutions.
1209*	Change provisions for the private practice of law by public defenders.
1220*	Provide funding to the Eppley Science Hall Construction Fund.

LR	
236CA	Proposed constitutional amendment to allow the Legislature to establish nonuniform taxation of tangible personal property.
239CA*	Proposed constitutional amendment to establish the Board of Regents for Nebraska Higher Education.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

APPROPRIATIONS

LB	
468	Eliminate provisions relating to student aid funds.
470	Change provisions for filing budget statements by political subdivisions.
1125	Allow the Director of Personnel to adjust terms of employment.
1170	Appropriate funds for the National Guard tuition credit program.
1207	Appropriate funds for a telecommunications delivery system.

BANKING, COMMERCE AND INSURANCE

LB	
981	Adopt the Managing General Agents Act.
982	Adopt the Health Maintenance Organization Act.
983	Change provisions of the Medicare Supplement Insurance Minimum Standards Act.
984	Change provisions relating to insurance.
985	Change provisions relating to financial institutions.

BUSINESS AND LABOR

LB	
974	Eliminate provisions for withholding spousal support from unemployment compensation.
975	Define employee leasing company and client.
1178	Change provisions for claims and judgments against an employer.
1244	Appropriate funds for the payment of certain claims against the state.
1245	Disapprove certain claims against the state.

EDUCATION

LB	
337	Provide for a standardized achievement test.
486	Change provisions for transferring territory between school districts.
488	Change provisions of the Private Vocational Educational Authority Act.

1090	Change provisions relating to education.

EXECUTIVE BOARD

LB	
818	Revisor bill relating to the Board of Examiners in Medicine and Surgery.
819	Revisor bill relating to the school retirement program.
820	Revisor bill relating to public assistance.
821	Revisor bill relating to the duties of county officials.
822	Revisor bill relating to the courts.
823	Revisor bill relating to trusts for employees.
824	Revisor bill relating to holding and evidencing securities.
825	Revisor bill relating to public depositories.
826	Revisor bill relating to the Game and Parks Commission.
827	Revisor bill relating to motor vehicles.
828	Revisor bill relating to public health.
829	Revisor bill relating to criminal procedure.

GENERAL AFFAIRS

LB	
778	Change provisions for special designated permits for alcoholic liquors.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB	
544	Change provisions of the Nebraska State Insurance Program.
545	Authorize the Department of Administrative Services to sell certain real property.
930	Change provisions for ordering National Guard personnel to active duty.
931	Prohibit persons from serving in more than one elective office.
1056	Eliminate the Building Energy Conservation Standards Board.
1107	Provide for the use of bonds under the Interlocal Cooperation Act.

HEALTH AND HUMAN SERVICES

LB	
338	Adopt the Community Public Health Services Act.
343	Change provisions relating to persons with mental retardation.
648	Change provisions relating to x-ray system operators.

732	Change definitions under the Nebraska Mental Health Commitment Act.
923*	Exempt certain business entities from obtaining a license to engage in an asbestos project.
1066	Adopt the Health Insurance Access Act.
1067	Eliminate the advisory committees to the Departments of Social Services, Public Institutions, and Correctional Services.
1068	Change provisions for complaints against physicians and surgeons.
1069	Provide for coverage for medicaid recipients under the Comprehensive Health Insurance Pool.
1070	Provide payment to adoptive parents of children with special needs.
1085	Enact the Caregivers Assistance Program Act.
1126	Appropriate funds to increase Title XX respite care rates.

JUDICIARY

LB	
579	Change provisions relating to actions for wrongful death.
LR	
8CA	Change provisions relating to the right of appeal.

NATURAL RESOURCES

LB	
364	Authorize Water Management Board to operate water development projects.
383	Change provisions for approval and renewal of water use permits.
384	Provide for approval of a conservation proposal.
385	Encourage voluntary transfers of water and water rights.
527	Adopt the Waste Tire Recycling Act.
620	Change provisions for commercial hazardous waste management facility.
625	Change provisions for the Department of Environmental Control.
755	Provide for delivery of data to the Conservation and Survey Division.
764	Adopt the Nebraska Solid Waste Reduction and Management Act.
906	Change the percentage of funds for landowner grants for soil and water conservation.
907	Remove restrictions on public power districts.

1041	Increase the fee for the habitat stamp.

NEBRASKA RETIREMENT SYSTEMS

LB	
1104	Change the responsibility for the investment of public employee retirement funds.

TRANSPORTATION

LB	
281	Provide records of driving convictions received from other states.
282	Adopt federal regulations relating to motor carrier safety.
979	Change provisions relating to motor carriers.
980	Change provisions for school bus and commercial driver's licenses and learner's permits.

URBAN AFFAIRS

LB	
964	Allow a levy or collection of costs for improvements on certain buildings.

LR 232 SPECIAL INVESTIGATIVE COMMITTEE

LB	
1243	Change the statute of limitations for certain offenses.
1246*	Provide for court orders requiring testimony from witnesses before a special committee of the Legislature.
1247	Provide a penalty for providing false information to a special committee of the Legislature.
LR	
251CA	Proposed constitutional amendment to authorize legislative investigating committees to grant immunity.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Agriculture

Chairperson - Rod Johnson

37
39
54
83
117
120
161
718
849
855
856
972
1004
1005

Appropriations

Chairperson - Jerome Warner

96
98
118
268
275
304
307
317
428
430
468
470
473
518
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602
645
672
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Banking, Commerce and Insurance

Chairperson - David M. Landis

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Business and Labor

Chairperson - George Coordsen

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Education

Chairperson - Ron Withem

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LR240CA
LR244CA

General Affairs

Chairperson - Jacklyn Smith

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686
703
704
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778
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864
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LR241CA

Government, Military and Veterans Affairs

Chairperson - Dennis G. Baack

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Health and Human Services

Chairperson - Don Wesely

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Judiciary

Chairperson - Jerry Chizek

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LR8CA
LR237CA
LR245
LR251CA

Natural Resources

Chairperson - Loran Schmit

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Nebraska Retirement Systems

Chairperson - Rex Haberman

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Revenue

Chairperson - Timothy J. Hall

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LR19CA
LR229CA
LR236CA
LR242CA
LR243CA

Transportation

Chairperson - Howard Lamb

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Urban Affairs

Chairperson - D. Paul Hartnett

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LR11CA

**Joint hearing

SUMMARY OF LEGISLATION

The following table shows the final disposition

Length 60 days

Total Number of Bills Introduced, 91st Legislature	1247
Total Number of Bills Introduced, 1st Session	817
Total Number of Bills Introduced, 2nd Session	430
Total Number of Carryover Bills	344
Total Number of "A" Bills Introduced, 91st Legislature	149
Total Number of "A" Bills, 1st Session	92
Total Number of "A" Bills, 2nd Session	57
Total Number of Carryover "A" Bills	33
Total Number of Resolutions Introduced, 91st Legislature (including CA)	427
Total Number of Resolutions Introduced, 1st Session	228
Total Number of Resolutions Introduced, 2nd Session	199
Total Number of CA Resolutions Introduced, 91st Legislature	26
Total Number of CA Resolutions Introduced, 1st Session	15
Total Number of CA Resolutions Introduced, 2nd Session	11
Total Number of Carryover Resolutions (including CA)	4
Total Number of CA Resolutions Passed, 91st Legislature	3
Total Number of CA Resolutions Passed, 1st Session	1
Total Number of CA Resolutions Passed, 2nd Session	2
Total Number of Bills to Propose Constitutional Amendments, 2nd Session	1
Total Number of Bills to Become Law, 1st Session	308
Total Number of Bills to Become Law, 2nd Session	198

Approved by Governor: (170)

37
50
81
87
143
220
220A
240e
240A
257
259
259A
260
260A
272A
313
313A
315
348
350
350A
369e
369Ae
397
399
409
422
431
465
486
488
488A
520e
534
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551A
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602e
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663A
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720A
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1124
1125e
1136
1146e
1153
1153A
1165
1167
1178
1183e
1184e
1184Ae
1199
1216
1217
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1228
1236
1244e
1246e
1246Ae

Line-Item Veto: (6)
520Ae
920
1031e*
1090A
1220
1241

Returned by Governor Without Approval: (16)
187
187A
571A
662
662A
678
678A
855
855A
880
880A
896A
898e
1019
1019A
1080A

Passed Notwithstanding Objections of Governor: (21)
42
42A
163
163A
164
164A
503
503A
536
834
843e
843A
1004
1004A
1043
1059
1059A
1126
1170e
1222
1222A

Became Law Without Governor's Signature: (1)
931

CA delivered to Secretary of State: (3)
LR8CA
LR11CA
LB1141

Indefinitely Postponed: (628)

37A
39
39A
40
41
54
54A
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129A
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227A
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229CA Proposed constitutional amendment to limit the use of certain taxes for highway construction and maintenance.
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230 Support the U.S. Badminton Association in order to keep national headquarters in Nebraska.
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235 Recognize the Malcolm High School Marching Band on their participation in the Orange Bowl Parade.
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239CA Proposed constitutional amendment to establish the Board of Regents for Nebraska Higher Education.
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243CA Proposed constitutional amendment to allow classification of tangible property for taxation.
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244CA Proposed constitutional amendment to allocate income from school lands.
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245 Petition the Congress of the United States to propose an amendment to the U.S. Constitution to protect the American flag.
(Hefner) 409, 420, 595, 2068

246 Commemorate the bicentennial of the first meeting of the U.S. Supreme Court.
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247 Express sympathy to the Clarence E. Jacobson family.
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248 Commend Marge Hardy for dedication to maintaining emergency medical services.
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249 Prohibit the use of terms "outstate, greater, or lesser" Nebraska by state officers and employees.
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250 Interim study on salaries of teachers.
(Withem) 655, 1718

251CA Proposed constitutional amendment to authorize legislative investigating committees to grant immunity.

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252 Congratulate Phil Kruse for his dedicated service to the State of Nebraska.
(Conway, Korshoj, Warner,
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253 Proclaim February 11th through the 17th as Vocational Education Week.
(Barrett) 722, 741, 766

254 Express sympathy to the Maurice A. Kremer family.
(49 Senators) 770, 786, 788

255 Express support in expanding AMTRAK service.
(Wehrbein) 770, 786, 788

256 Recognize the twenty-fifth anniversary of the Head Start program.
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257 Urge R. J. Reynolds Co. to abandon the practice of targeting tobacco advertising.
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258 Recommend the disclosure of bonus payments to the Department of Revenue employees.
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259 Proclaim February 23, 1990 as Nebraska Jaycee Governmental Affairs Day.
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260 Interim study of the Phase II of the LR 247 study of postsecondary education.
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261 Congratulate Dr. D. B. Woody Varner on his receipt of the Distinguished NEBRASKAlander award.
(Barrett) 993, 1040, 1066

262 Urge the Chicago and North Western Railroad to reinstate service.
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263 Recognize the 100th anniversary of Dixon, Nebraska.
(Conway) 1064, 1172, 1183

264 Congratulate Roger Welsch on receipt of the NEBRASKAland Foundation's Trailblazer award.
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265 Congratulate Omaha North High School boys for Class A state wrestling title.

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267 Congratulate Gretna High School for Class B state championship play production.
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268 Congratulate Gretna High School for Excellence in Art Education award.
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269 Congratulate Blair High School girls for Class B state basketball title.
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270 Congratulate Battle Creek High School girls for Class C-1 state basketball title.
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271 Congratulate Omaha Westside High School girls for Class A state basketball title.
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272 Designate June 17-23, 1990 as Nebraska Old Vehicle Hobby Interest Recognition Week.
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273 Congratulate Hampton High School girls for Class D-2 state basketball title.
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274 Declare March 18-24, 1990 as Agriculture Week and March 20, 1990 as Agriculture Day.
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275 Congratulate Plattsmouth High School boys for Class B state wrestling title.
(Wehrbein) 1273, 1299, 1300
276 Adopt the Statement of Vision and Long Range Strategies detailed in the New Horizons report.
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277 Congratulate Columbus Public Schools for Excellence in Art Education award.
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278 Congratulate Dr. Ronald Roskens on his appointment as Director of the Agency for International Development.
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279 Congratulate Humphrey St. Francis boys for Class D-1 state basketball title.
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280 Interim study on matters concerning veterans.
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281 Congratulate Bridgeport High School boys for Class C-1 state basketball title.
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282 Interim study of definition of infectious medical waste in Nebraska.
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283 Commend Omaha South High School for Academic Decathlon state title.
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284 Congratulate Omaha South High School boys for Class A state basketball title.
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285 Provide the Safety Driving Range facility at Kearney State be named the Ron and Carol Cope Nebraska Center for Safety Education and Research.
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286 Interim study of the programs of the Department of Social Services.
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287 Interim study of retirement systems administered by the state or required by subdivisions of government.
(Haberman) 1358, 1719

288 Congratulate the Omaha Westside High School boys basketball team for a successful season.
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289 Provide the Nebraska Public Power Districts file with the FERC a petition for hearing for clarification of the order to release stored water.
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292 Interim study of alternative methods of funding legislatively mandated programs within the Nebraska Department of Agriculture.
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293 Congratulate the Wahoo High School boys for Class B state basketball title.
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295 Interim study to examine the Nebraska Workers' Compensation Act.
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305 Interim study on requiring all homes and structures be equipped with smoke detectors.
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307 Interim study of mammography programs and alternatives for the state.
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309 Interim study of the Nebraska Regulation of Health Professions Act.
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310 Interim study of LB 942 which creates the Court of Appeals to insure if amendment is passed that the statutory framework is complete.
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311 Interim study of problems in agriculture resulting from herbicide drift.
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313 Interim study to determine the feasibility of creating a State Crime Stoppers Commission.
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Compiled by

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Clerk of the Legislature

Carol Koranda, Index Clerk

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32-421.01	A	83
32-421.01	A	942
32-424	A	638
32-426	A	638
32-4,101	A	942
32-4,104	A	1206
32-4,152	A	853
32-503.01	A	931
32-513	A	822
32-528	A	638
32-530	A	1172
32-530.01	A	517
32-546	A	1206
32-548	A	1206
32-556	A	1206
32-1037	A	931
32-1039	A	942
33-103	A	942
33-105	A	383
33-105	A	384
33-105	A	715

SECTION	REPEAL OR AMEND	BILL
33-112	A	276
33-118	A	821
33-138	A	234
33-138	A	885
33-145	A	942
33-150	A	604
33-150	A	757
33-150	A	949
33-150	A	1065
33-150	A	1233
35-502	A	918
35-505	A	1115
35-505	A	1235
35-506	A	1115
35-506	A	1235
35-507	A	1115
35-507	A	1235
35-508	A	918
35-514	A	1115
35-514	A	1235
35-531	A	1115
35-531	A	1235
35-535	A	1115
35-535	A	1235
37-102	A	339
37-215	A	550
37-215.06	A	65
37-216.01	A	550
37-216.01	A	1041
37-413	A	842
37-413	A	892
37-420	A	892
37-720	A	940
37-724	A	940
37-725	A	940
37-1102	A	1196
37-1254.01	A	1114
37-1254.02	A	1114
37-1304	A	151
37-1408	A	826
39-603	A	141
39-610	A	884
39-611	A	884
39-612	A	884
39-619	A	159
39-669.02	A	420
39-669.04	A	420
39-669.05	A	420
39-669.07	A	424
39-669.07	A	1020
39-669.07	A	1114
39-669.08	A	141
39-669.08	A	424
39-669.08	A	799
39-669.08	A	1020
39-669.08	A	1114
39-669.09	A	1020
39-669.11	A	799
39-669.11	A	1020
39-669.13	A	1186
39-669.13	A	1242
39-669.14	A	799
39-669.14	A	1020
39-669.16	A	424

SECTION	REPEAL OR AMEND	BILL
39-669.16	A	799
39-669.17	A	420
39-669.17	A	799
39-669.26	A	1114
39-669.27	A	227
39-669.27	A	281
39-669.27	A	420
39-669.27	A	424
39-669.28	A	420
39-669.28	A	450
39-669.39	R	658
39-690	A	934
39-691	A	934
39-6,103.01	A	958
39-6,114.01	A	1186
39-6,122	A	424
39-6,122	A	450
39-6,122	A	799
39-6,136.01	A	1119
39-6,177	A	713
39-6,190	A	420
39-6,211	A	860
39-6,211	A	690
to 39-6,213		
39-1337	A	879
39-1365	A	879
39-1365	A	1071
39-1506	A	1087
39-1518	A	1115
39-1518	A	1235
39-1719	A	942
39-2215	A	602
39-2215.01	A	602
42-351	A	942
42-351	A	1116
42-358	A	942
42-358.02	A	805
42-364.15	A	554
42-365	A	558
42-369	A	805
42-917	A	1222
42-918	A	1222
43-107	A	659
43-118	A	1070
43-245	A	420
43-247	A	420
43-251	A	420
43-255	A	420
43-256	A	420
43-258	A	663
43-281	A	420
43-285	A	1222
43-286	A	420
43-287	A	420
43-287.06	A	942
43-2,106	A	942
43-2,119	A	455
43-2,126	A	942
43-512	A	805
43-512	A	1010
43-512.02	A	805
43-512.03	A	805
43-512.05	A	805
43-512.07	A	805

SECTION	REPEAL OR AMEND	BILL
43-512.08	A	805
43-512.10	A	805
43-512.11	A	1010
43-531	R	678
43-801	A	835
43-801	A	882
43-1301	A	1222
43-1302	A	1222
43-1303	A	1222
43-1308	A	1222
43-1309	A	1222
43-1310	A	1222
43-1313	A	1222
43-1314	A	1222
43-1406	A	805
43-1411	A	805
43-1701	A	805
43-1708	A	805
43-1709	A	805
43-1716	A	805
to 43-1720		
43-1722	A	805
43-1723	A	805
43-1724	A	805
43-1725	A	805
43-1726	A	805
43-1727	A	805
43-1730	A	805
43-1734	A	805
43-1737	A	805
43-1740	A	805
43-1743	A	805
43-1801	A	1095
43-1802	A	1095
43-1803	A	1095
44-320	A	1153
44-320	A	1160
44-392	R	529
44-3,131	A	1045
44-3,131	A	1149
44-3,132	A	982
44-419	R	984
44-513	A	1123
44-1525	A	529
44-1525	A	1193
44-1525	A	1230
44-1615.01	A	1054
44-1620	A	544
44-1622	A	544
to 44-1623		
44-1630	A	544
44-2414	A	1115
44-2414	A	1235
44-2801	R	673
to 44-2855		
44-2824	A	542
44-2824	A	1008
44-2826	A	1008
44-2827	A	1008
44-2829	A	1008
44-2833	A	1008
44-2836	A	1008
44-2851	A	1068
44-2855	A	542

SECTION	REPEAL OR AMEND	BILL
44-2855	A	1008
44-3201 to 44-3210	R	982
44-3211	R	982
44-3213 to 44-3230	R	982
44-3231	R	982
44-3232	R	982
44-3233	R	982
44-3234	R	982
44-3235	R	982
44-3236	R	982
44-3237	R	982
44-3238	R	982
44-3239	A	1072
44-3239	R	982
44-3240 to 44-3243	R	982
44-3244	R	982
44-3245	R	982
44-3246	R	982
44-3247	R	982
44-3248	A	597
44-3248 to 44-3254	R	982
44-3258 to 44-3262	R	982
44-3263	R	982
44-3264 to 44-3269	R	982
44-3270	R	982
44-3271 to 44-3275	R	982
44-3276	R	982
44-3277	R	982
44-3278 to 44-3284	R	982
44-3285	R	982
44-3286 to 44-3291	R	982
44-3291	A	597
44-3501 to 44-3503	A	1061
44-3503	A	776
44-3504 to 44-3513	A	1061
44-3515 to 44-3518	A	1061
44-3602	A	983
44-3603 to 44-3606	A	983
44-3903	A	466
44-3903	A	984
44-4010	A	984
44-4103	A	982
44-4111	A	1072
44-4201	A	1230
44-4210	A	982
44-4220	A	982
44-4221	A	1230
44-4222	A	380
44-4222	A	1230
44-4225	A	1230
44-4227	A	380
44-4227	A	1230
44-4228	A	380
44-4228	A	1069
44-4229	A	1230
44-4230	A	1230
44-4726	A	982
44-4802	A	982
44-4802	A	984
44-4803	A	984
44-4806	A	984
44-4809	A	984
44-4810	A	984
44-4812	A	984
44-4854	A	984
45-101.05	A	1036
45-101.07	A	1036
45-139	A	1094
45-1,112 to 45-1,115	A	1199
45-338	A	461
46-122	A	383
46-205	A	383
46-206	R	383
46-210	A	383
46-210	A	942
46-212.02	A	383
46-229	A	383
46-229.05	A	942
46-231	A	383
46-233	A	383
46-233.01	A	715
46-233.01	R	383
46-233.02	A	715
46-233.02 to 46-236	A	383
46-238	A	942
46-240.01 to 46-242	A	383
46-250	A	383
46-259	A	383
46-288 to 46-294	R	383
46-2,108	A	383
46-2,108	A	384
46-2,116.02	A	364
46-542	A	1115
46-542	A	1235
46-543	A	1115
46-543	A	1235
46-544	A	1115
46-544	A	1235
46-554	A	942
46-606	A	383
46-613.01	A	715
46-613.01	R	383
46-613.02	A	715
46-613.02	R	383
46-634.01	A	848
46-637	A	383
46-638 to 46-650	R	383
46-646	A	942
46-651	A	383
46-654	A	383

SECTION	REPEAL OR AMEND	BILL
46-657	A	383
46-666	A	383
46-673.09	A	383
46-674.19	A	1181
46-675 to 46-690	R	383
47-117	A	420
47-401	A	399
47-502	A	951
48-120	A	757
48-120	A	1135
48-121.01	A	313
48-125	A	942
48-145.01	A	367
48-149	A	805
48-182	A	942
48-185	A	942
48-193	A	76
48-1,110	A	986
48-601	A	636
48-602	A	975
48-624	A	315
48-628	A	415
48-628	A	1173
48-640	A	942
48-647	A	974
48-648	A	975
48-649	A	865
48-808	A	942
48-812	A	942
48-818	A	1117
48-1116	A	1113
48-1202	A	901
48-1203	A	901
48-1209	A	901
48-1229	A	407
48-1232	A	1178
48-1901	A	1062
48-1902	A	1062
48-1903	A	1062
48-1906	A	1062
48-1907	A	1062
48-1908	A	1062
48-1909	A	1062
48-1910	A	1062
49-506	A	942
49-617	A	942
49-801	A	420
49-1433	A	1029
49-1445	A	601
49-1446.03	R	435
49-1447	A	435
49-1449	A	435
49-1450	A	435
49-1451	A	435
49-1462	A	435
49-1463	R	435
49-1463.01	R	435
49-1484	A	435
49-1493	A	55
49-1493	A	1237
49-1495	A	534
49-14,103.01	A	1153
49-14,105	A	534
49-14,107	A	534
49-14,108	A	534
49-14,110	A	534
49-14,112	A	534
49-14,114	A	534
49-14,118	A	435
49-14,118	A	534
49-14,123	A	435
49-14,124 to 49-14,126	R	435
49-14,133	A	435
49-1501	A	565
50-401.01	A	702
50-407	A	1246
50-419	A	1210
51-211	A	1236
51-413	A	151
51-501	A	939
52-118 to 52-118.02	A	257
52-1001 to 52-1005	A	505
52-1008	A	505
53-101	A	768
53-101	A	1142
53-103	A	704
53-123.04	A	704
53-124.11	A	778
53-125	A	1101
53-126	A	1101
53-135	A	1101
53-160	A	1142
53-175	A	704
53-179	A	703
53-180.04	A	420
53-180.07	A	686
53-184	A	936
53-186	A	1101
53-186	A	1159
53-1,117	A	1142
54-109	A	849
54-160	A	50
54-605	A	50
54-701.02	A	1004
54-1186	A	1185
54-2201	A	1004
54-2202	A	1004
54-2207	A	1004
54-2208	A	1004
54-2221	A	1004
54-2221.01	R	1004
54-2223 to 54-2234	A	1004
55-146	A	930
55-157	A	930
55-445	A	942
57-705	A	1179
57-905	A	755
58-201	A	527
58-239	A	527
58-239.01	R	1179
58-401 to 58-404	A	577
58-401 to 58-404	A	1241

SECTION	REPEAL OR AMEND	BILL
58-413	A	577
58-413	A	1241
58-435	A	577
58-435	A	1241
58-439	A	577
59-823	A	942
60-102	A	910
60-103	A	501
60-104	A	501
60-104	A	910
60-106	A	875
60-106	A	910
60-106	A	937
60-107	A	725
60-301	A	131
60-301	A	369
60-301	A	887
60-302	A	347
60-302	A	394
60-302	A	495
60-302	A	937
60-305.03	A	910
60-305.09	A	910
60-310	A	858
60-311	A	910
60-311.03	A	1139
60-311.04	A	859
60-311.04	A	1139
60-311.11	A	891
60-315	A	1134
60-315.01	A	485
60-320	A	1075
60-325	A	347
60-403	A	805
60-403.01	A	72
60-407	A	742
60-411	A	742
60-430.05	A	420
60-462	A	914
60-462	A	980
60-467	A	980
60-480	A	980
60-494	A	1007
60-4,105	A	942
60-4,118	A	914
60-4,119	A	980
60-4,122	A	980
60-4,123	A	914
60-4,124	A	914
60-4,126	A	914
60-4,128	A	827
60-4,131	A	980
60-4,133	A	980
60-4,134	A	980
60-4,136	R	980
60-4,138	A	980
60-4,141	A	980
60-4,142	A	980
60-4,147	R	980
60-4,148	A	980
60-4,149	A	980
60-4,150	A	980
60-4,156	A	980
60-4,168	A	980

SECTION	REPEAL OR AMEND	BILL
60-501	A	495
60-505.02	A	347
60-528	A	347
60-569	A	347
60-569	A	495
60-570	A	347
60-570	R	495
60-574	A	222
60-578	A	222
60-1401.02	A	1083
60-1407.03	A	1083
to 60-1407.05		
60-2001	A	1196
60-2003	A	1196
60-2004	A	1196
60-2005	A	1196
60-2009	A	1196
60-2009.01	A	1196
60-2010.01	A	1196
60-2010.02	A	1196
60-2013	A	1196
60-2016	R	1196
60-2018.01	A	1196
60-2021	A	1196
60-2138	A	72
60-2303	A	910
60-2801	A	101
60-2802	R	101
60-2803	A	101
60-2808	A	101
62-301	A	1074
65-101	A	821
65-101	A	822
65-101	A	942
66-101	R	856
66-102	R	856
66-410	A	1124
66-418.03	A	1179
66-424	A	602
66-428	A	1124
66-467	R	1179
66-467.01	R	1179
66-468	R	1179
to 66-472		
66-473	A	602
66-605.02	A	602
66-801	R	1179
to 66-816		
66-819	R	1179
to 66-824		
66-1105	A	383
66-1219	A	39
66-1301	R	1179
to 66-1304		
66-1305	R	1179
66-1306	R	1179
to 66-1307.02		
66-1308	A	718
66-1308	A	1060
66-1308	R	1179
66-1309	R	1179
to 66-1314		
66-1315	R	1179
66-1316	R	1179

SECTION	REPEAL OR AMEND	BILL
66-1317	R	1179
66-1319	R	1179
66-1320	R	1179
66-1321 to 66-1323	R	1179
66-1324	R	1179
66-1325	R	1179
66-1515	A	950
67-236	A	1228
67-242	A	1228
67-245	A	1228
67-248.01	A	1228
67-248.02	A	1228
67-283	A	1228
67-293	A	1228
68-104	A	187
68-126	A	187
68-128	A	187
68-129	A	915
68-132	A	422
68-133	A	187
68-137	A	422
68-139	A	187
68-139	A	422
68-601 to 68-604	A	820
68-608	A	820
68-610	A	820
68-612	A	820
68-617	A	820
68-618	A	820
68-620	A	820
68-622	A	820
68-631	A	820
68-702.01	R	1067
68-702.02	R	1067
68-702.03	R	1067
68-720	R	820
68-722	R	820
68-1020	A	1047
68-1026	A	1132
68-1030	A	982
68-1031	A	1188
68-1032	A	1188
68-1206	A	678
68-1206	A	1162
68-1207	A	720
68-1301	R	1067
68-1302	R	1067
68-1303	R	1067
68-1304	R	1067
68-1305	R	1067
68-1306	R	1067
68-1517	A	917
69-1301 to 69-1329	R	624
69-1331	A	1185
69-2001	A	993
69-2012	A	993
69-2113	A	1217
70-504	A	907
70-601	A	696
70-604.06	A	942
70-620	A	1013
70-624.02	A	730
70-628.01	A	907
70-655	A	696
70-1016	A	942
70-1325	A	942
70-1326	A	942
70-1327	A	942
70-1328	A	942
71-101	A	757
71-101	A	1065
71-101	A	1068
71-102	A	757
71-102	A	949
71-102	A	1233
71-107	A	757
71-107	A	949
71-108	A	1068
71-110	A	757
71-110	A	949
71-110	A	1233
71-111	A	757
71-112	A	757
71-112	A	949
71-112	A	1065
71-112	A	1233
71-112.02	R	818
71-112.03	A	757
71-113	A	757
71-113	A	949
71-113	A	1065
71-113	A	1233
71-114	A	757
71-114	A	949
71-114	A	1065
71-114	A	1233
71-115.01	A	757
71-116	A	757
71-117	A	757
71-118	A	757
71-119	A	757
71-120	A	757
71-121	A	757
71-121.01	A	757
71-122	A	757
71-123	A	757
71-124	A	757
71-124.01	A	757
71-131	A	757
71-131	A	949
71-131	A	1233
71-139	A	757
71-147.02	A	1068
71-148	A	1054
71-148	A	1068
71-150	A	1068
71-155	A	1068
71-161.02	A	1068
71-161.03	A	1068
71-161.07	A	1068
71-162	A	757
71-162	A	949
71-162	A	1065
71-162	A	1233
71-168	A	1068

SECTION	REPEAL OR AMEND	BILL
71-171	A	1068
71-171.01	A	1068
71-174	A	757
71-177	A	348
71-178	A	757
71-178	A	1089
71-1,103	A	757
71-1,132.05	A	757
71-1,132.06	A	757
71-1,132.29	A	1068
71-1,133	A	491
71-1,133	A	925
71-1,134 to 71-1,135.01	A	491
71-1,135.01	A	925
71-1,135.02	A	491
71-1,135.02	A	925
71-1,135.03 to 71-1,136	A	491
71-1,135.04	A	925
71-1,136.01	A	491
71-1,136.02	A	491
71-1,136.03	A	491
71-1,136.04 to 71-1,136.09	A	491
71-1,138	A	757
71-1,147.09	A	205
71-1,175	A	519
71-1,187	A	757
71-1,187	A	828
71-1,188	A	828
71-1,207	A	757
71-1,227 to 71-1,231	R	1233
71-1,232	R	1233
71-1,233	R	1233
71-1,234 to 71-1,237	R	1233
71-1,235	A	757
71-1,240	A	757
71-1,244 to 71-1,255	R	949
71-1,256	A	757
71-1,256	R	949
71-1,257	R	949
71-1,258	A	948
71-1,258	A	1080
71-1,258	R	949
71-1,259	R	949
71-1,260	A	948
71-1,260	A	1080
71-1,260	R	949
71-1,261	R	949
71-1,262	R	949
71-1,263	R	949
71-1,264	R	949
71-1,279	A	757
71-605.04	A	954
71-1522	A	828
71-1527	A	828
71-1528	A	828
71-1528	A	1113
71-1531	A	944
71-1537	A	828
71-1538	A	945
71-1539	A	828
71-1551	A	828
71-1554	A	828
71-1569	A	946
71-1901	A	688
71-1902	A	290
71-1904	A	290
71-1910	A	456
71-1911	A	462
71-1914	A	462
71-1915	A	456
71-2017.01	A	688
71-2017.01	A	871
71-2017.01	A	949
71-2017.01	A	1080
71-2017.03	A	724
71-2023	A	610
71-2041.02	A	610
71-2041.02	A	949
71-2052	A	1080
71-2069	A	982
71-2802	A	757
71-3201 to 71-3204	R	212
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71-3211	R	212
71-3212	R	212
71-3213	R	212
71-3503	A	1025
71-3503	A	1064
71-3505	A	1064
71-3507	A	1064
71-3508.02	A	1025
71-3508.03	A	648
71-3508.03	A	1064
71-3515.01	A	648
71-3515.02	A	1064
71-4401	A	519
71-4402	A	888
71-4403	A	519
71-4720	A	130
71-4727	A	130
71-4728	A	130
71-4728	A	902
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71-4732	A	902
71-5001 to 71-5004	A	873
71-5008	A	873
71-5034	A	76
71-5502	A	726
71-5504	A	726
71-5509	A	726
71-5510	A	726
71-5511	A	726
71-5512	A	726
71-5513	A	726
71-5514	A	726
71-5515	A	726
71-5516	A	726
71-5519	A	726

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71-5523	A	726
71-5612	A	997
71-5613	A	870
71-5613 to 71-5615	A	753
71-5618	A	870
71-5618 to 71-5621	A	753
71-5621	A	870
71-5623	A	1226
71-5625	A	753
71-5628	A	753
71-5628	A	870
71-5630 to 71-5633	A	753
71-5632.01	A	870
71-5632.01	A	1187
71-5633	A	870
71-5633	A	1187
71-5636	A	753
71-5640	A	753
71-5643	A	753
71-5643.01	A	753
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71-5709 to 71-5711	A	269
71-5713	A	269
71-5906	A	610
71-6019	A	610
71-6021	A	610
71-6035	A	610
71-6038	A	1080
71-6039	A	1080
71-6301	A	530
71-6301	A	923
71-6302	A	923
71-6312	A	923
71-6317	A	869
71-6501	A	1233
72-224.03	A	1153
72-240.08	A	83
72-240.09	A	83
72-240.26	A	807
72-801	A	990
72-811 to 72-814	A	830
72-815	A	830
72-816	A	830
72-817	A	830
72-1237	A	1104
72-1237.01	A	151
72-1237.01	A	1059
72-1237.01	A	1218
72-1238	A	1104
72-1242	A	359
72-1243	A	1104
72-1261	A	647
72-1262	A	647
72-1266	A	647
72-1268.04	A	749
72-1269	A	647
75-104	A	503
75-121	A	942
75-134	A	942
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75-302	A	979
75-307	A	979
75-311	A	979
75-358	A	979
75-363	A	282
75-363	A	979
75-363	A	980
75-363	A	1021
75-364	A	282
75-364	A	980
75-366	A	979
75-401	A	926
76-544	A	466
76-706	A	1153
76-711	A	1174
76-719	A	942
76-1301	A	978
76-1313	A	978
76-1419	A	1038
76-1431	A	475
76-1431	A	1038
76-1434	A	883
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77-103	A	1115
77-104	A	1115
77-105	A	1115
77-115	A	821
77-201	A	1115
77-202	A	807
77-202	A	909
77-202	A	1079
77-202	A	1115
77-202	A	1218
77-202	A	1234
77-202	A	1235
77-202.01	A	1115
77-202.01	A	1234
77-202.01	A	1235
77-202.02	A	1115
77-202.02	A	1234
77-202.02	A	1235
77-202.03	A	919
77-202.03	A	1115
77-202.03	A	1234
77-202.03	A	1235
77-202.04	A	1115
77-202.04	A	1234
77-202.04	A	1235
77-202.05	A	1115
77-202.05	A	1234
77-202.05	A	1235
77-202.06	A	1115
77-202.06	A	1234
77-202.06	A	1235

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77-205	R	1235
77-206	A	809
77-206	R	1115
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77-362.01	R	299
77-366	A	821
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77-381	A	1115
77-381	A	1235
77-382	A	729
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77-385	A	729
77-399	A	1115
77-399	A	1235
77-3,112	A	1025
77-401	A	821
77-401.02	A	821
77-403	A	821
77-404	A	821
77-406	A	821
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77-407	A	821
77-408	A	821
77-409	A	821
77-409	R	1115
77-409	R	1235
77-410	A	821
77-410	R	1115
77-410	R	1235
77-412	A	821
77-412	R	1115
77-412	R	1235
77-412.01	A	821
77-412.01	R	1115
77-412.01	R	1235
77-415	A	1115
77-415	A	1235
77-423	A	821
77-426	A	821
77-428	A	821
77-429	A	821
77-430	A	821
77-430	A	1115
77-430	A	1235
77-501 to 77-506	R	794
77-505	A	1115
77-505	A	1235
77-506	A	1115
77-506	A	1235
77-507.01	A	1115
77-507.01	A	1235
77-507.01	R	794
77-508	A	1115
77-508	A	1235
77-508 to 77-509	R	794
77-509	A	942
77-509	A	1115
77-509	A	1235
77-510	A	794
77-510	A	942
77-510	A	1115
77-510	A	1235
77-511	R	794
77-519	A	794
77-519	A	1115
77-519	A	1235
77-602	A	1115
77-602	A	1235
77-604	A	1079
77-604	A	1115
77-604	A	1235
77-615	A	942
77-628	A	809
77-631.02	R	1115
77-631.02	R	1235
77-631.03	R	1115
77-631.03	R	1235
77-631.04	R	1115
77-631.04	R	1235
77-678	A	1059
77-678	A	1218
77-678	R	932
77-802	A	1079
77-802	A	1115
77-802	A	1235
77-913	A	1090
77-1201	R	1115
77-1201	R	1235
77-1202	R	1115
77-1202	R	1235
77-1208	R	1115
77-1208	R	1235
77-1209	R	1115
77-1209	R	1235
77-1209.02	R	1115
77-1209.02	R	1235
77-1209.03	R	1115
77-1209.03	R	1235
77-1209.04	R	1115
77-1209.04	R	1235
77-1209.05	R	1115
77-1209.05	R	1235
77-1210	R	1115
77-1210	R	1235
77-1211	R	1115
77-1211	R	1235
77-1212	R	1115
77-1212	R	1235
77-1213	R	1115
77-1213	R	1235
77-1214	R	1115
77-1214	R	1235
77-1215	R	1115
77-1215	R	1235
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77-1219	R	1115
77-1219	R	1235
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77-1229	R	1235
77-1229.01	R	1115
77-1229.01	R	1235
77-1232	R	1115
77-1232	R	1235
77-1233	R	1115
77-1233	R	1235
77-1234	R	1115
77-1234	R	1235
77-1236	R	1115
77-1236	R	1235
77-1240.01	A	1115
77-1240.01	A	1235
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77-1245	R	1235
77-1246	R	1115
77-1246	R	1235
77-1247	R	1115
77-1247	R	1235
77-1248	R	1115
77-1248	R	1235
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77-1249	R	1115
77-1249	R	1235
77-1249.01	R	1115
77-1249.01	R	1235
77-1250	R	1115
77-1250	R	1235
77-1301	A	961
77-1301	A	1115
77-1301	A	1235
77-1301.01 to 77-1301.04	A	794
77-1301.06	A	794
77-1301.07	A	794
77-1301.08	A	794
77-1301.12	A	794
77-1301.13	A	794
77-1301.14	A	794
77-1301.15	A	794
77-1306.01	A	794
77-1311	A	794
77-1311	A	821
77-1314	A	794
77-1318	A	821
77-1318	A	1115
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77-1342	A	1115
77-1342	A	1235
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77-1346	A	794
77-1358	A	794
77-1358	A	807
77-1359	A	794
77-1360	A	794
77-1361	A	794
77-1361	A	807
77-1362	A	794
77-1362	A	807
77-1363	A	794
77-1364	A	794
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77-1367	A	794
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77-1368	A	794
77-1368	A	807
77-1372	A	1153
77-1502	A	794
77-1503.01	A	794
77-1503.01	A	1115
77-1503.01	A	1235
77-1504	A	607
77-1504	A	794
77-1504	A	1115
77-1504	A	1235
77-1506.01	A	1115
77-1506.01	A	1235
77-1506.02	A	794
77-1506.02	A	1115
77-1506.02	A	1235
77-1507	A	794
77-1507	A	1115
77-1507	A	1235
77-1510	A	332
77-1510	A	942
77-1513	A	332
77-1601	A	187
77-1601	A	794
77-1602	A	794
77-1609	A	942
77-1610	A	942
77-1613	A	1115
77-1613	A	1235
77-1615.01	A	794
77-1616	A	809
77-1616	A	1115
77-1616	A	1235
77-1705	A	1036
77-1716	A	809
77-1724	A	844
77-1725	A	426
77-1726	A	1183
77-1736.04	A	942
77-2004	A	861

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77-2019	A	1153
77-2306	A	749
77-2306	A	758
77-2320	A	749
77-2321	A	549
77-2326.01	A	549
77-2326.04	A	549
77-2326.04	A	749
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77-2352	A	749
77-2355	A	749
77-2363	A	1165
77-2602	A	96
77-2602	A	1182
77-2602	A	1220
77-2701	A	329
77-2701	A	952
77-2701	A	1189
77-2701.01	A	784
77-2701.01	A	1059
77-2701.01	A	1215
77-2701.01	A	1218
77-2701.01	R	1240
77-2701.02	A	807
77-2701.02	A	832
77-2701.02	A	1059
77-2701.02	A	1215
77-2701.02	A	1218
77-2701.02	R	1240
77-2702	A	540
77-2702	A	581
77-2702	A	707
77-2702	A	965
77-2703	A	707
77-2703	A	750
77-2704	A	523
77-2704	A	557
77-2704	A	737
77-2704	A	850
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77-2704	A	1015
77-2704	A	1082
77-2704	A	1154
77-2704	A	1157
77-2715.01	A	1240
77-2715.02	A	784
77-2715.02	A	1240
77-2715.07	A	239
77-2715.07	A	577
77-2715.07	A	1189
77-2715.07	A	1214
77-2715.09	A	992
77-2716	A	140
77-2716	A	807
77-2716	A	1140
77-2716.01	A	346
77-2716.01	A	784
77-2734.01	R	1218
77-2734.02	A	1240
77-2734.02	R	1218
77-2734.03	A	329
77-2734.03	A	577
77-2734.03	A	1214
77-2734.03	R	1218
77-2734.04	R	1218
77-2734.05	R	1218
77-2734.06	R	1218
77-2734.07	R	1218
77-2734.08	R	1218
77-2734.09	R	1218
77-2734.10 to 77-2734.15	R	1218
77-2734.16	R	1218
77-2753	A	896
77-27,119	A	1028
77-27,132	A	807
77-27,132	A	832
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77-27,139	R	1218
77-27,142	A	1218
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77-27,143	A	1218
77-27,144	A	1218
77-27,146	A	1218
77-27,147	A	1218
77-27,147	A	1219
77-27,156	A	1240
77-27,158	A	809
77-3001	A	1128
77-3203	A	831
77-3501	A	747
77-3508	A	1122
77-3508	A	1176
77-3508	A	1208
77-3509	A	1122
77-3509.01	A	747
77-3509.02	A	747
77-3509.03	A	747
77-3509.04	A	866
77-3509.04	A	929
77-3509.04	A	1130
77-3510	A	747
77-3511	A	747
77-3512	A	747
77-3512	A	866
77-3512	A	929
77-3512	A	1130
77-3512	A	1175
77-3513	A	747
77-3513	A	866
77-3513	A	929
77-3513	A	1122
77-3513	A	1176
77-3513	A	1208
77-3514	A	747
77-3514	A	866
77-3514	A	929
77-3514	A	1122
77-3514	A	1208
77-3516	A	747
77-3517	A	1175
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77-4105	A	437
77-4105	A	894
77-4105	A	1115
77-4107	A	1115
77-4110	A	1028
77-4203	A	866
77-4203	A	929
77-4203	A	1130
77-4205	A	929
77-4207	A	866
77-4207	A	929
77-4207	A	1130
77-5508	A	726
77-5517	A	726
77-5520	A	726
77-5521	A	726
79-102	A	1201
79-201	A	913
79-311	A	821
79-311.10	A	821
79-312	A	821
79-312	A	1090
79-313	R	821
79-314	A	821
79-315	A	821
79-316	A	821
79-317	A	821
79-319	A	821
79-320	A	821
79-320.01	A	821
79-321.03	A	741
79-328	A	337
79-328	A	980
79-330	A	1090
79-402	A	259
79-402.03	A	259
79-402.04	A	259
79-402.11	A	259
79-403	A	486
79-408.03	A	1090
79-426.01	A	259
79-426.02	A	259
79-426.05	A	1090
79-426.08	A	259
79-426.17	A	259
79-439	A	1109
79-444	A	678
79-445	A	734
79-451	A	1059
79-451	A	1090
79-451	A	1218
79-458	A	1090
79-470	A	1090
79-471	R	1090
79-481	A	1115
79-481	A	1235
79-488.06	A	980
79-488.06	A	1155
79-490	A	259
79-490	A	1059
79-490	A	1218
79-4,102	A	1059
79-4,102	A	1218
79-4,105.01	A	259
79-4,140.10	A	1195
79-4,140.13	A	1195
79-4,158.01	A	259
79-4,205	A	942
79-4,207	A	562
79-504	A	1090
79-601	A	1090
79-701	A	1037
79-701	A	1090
79-802	A	1090
79-803.10	A	638
79-906	A	1109
79-1001.01	A	1090
79-1003.01	A	1109
79-1006	A	1090
79-1043	A	242
79-1044.01	A	959
79-1066	A	1185
79-1068	A	942
79-1101	A	1201
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79-1247.05	A	1090
79-1247.06	A	1033
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79-1254.06	R	1218
79-1254.07	R	1218
79-1254.08	R	1218
79-1254.10	A	1026
79-1270	A	514
79-1298	A	904
79-12,107	A	1035
79-12,145	A	1059
79-12,145	A	1218
79-12,146	A	1226
79-1302	A	1090
79-1303	A	1090
79-1304	A	1090
79-1306	A	1090
79-1307	A	1090
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79-1331	A	1090
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79-1332	R	1059
79-1332	R	1218
79-1332.01	R	1059
79-1332.01	R	1218
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79-1333	R	1218
79-1333.01	R	1059
79-1333.01	R	1218
79-1333.02	R	1059
79-1333.02	R	1218
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79-1342 to 79-1344.01	R	1218
79-1344.02	R	1059
79-1344.02	R	1218
79-1344.03	R	1059
79-1344.03	R	1218
79-1368	R	1059
79-1368	R	1090
79-1368	R	1218
79-1369	A	1059
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79-1429	A	1090
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79-1501	A	1104
79-1503	A	1104
79-1514.03	R	819
79-1514.04	R	819
79-1514.05	A	819
79-1515	A	242
79-1515	A	632
79-1520	A	959
79-1522.01	A	959
79-1528	A	903
79-1529	A	959
79-1545	A	1104
79-1556	A	1104
79-2202.05	A	486
79-2202.08	A	486
79-2210.02	A	1090
79-2210.03	A	1090
79-2650	A	1050
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79-2801 to 79-2808	A	488
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United Airline's application for a Chicago-Tokyo nonstop route: urge the President of the U.S. to approve(Chizek)............... 416LR

UNIVERSITIES AND COLLEGES

Board of Regents for Nebraska Higher Education: establish(Withem, Warner, Lindsay, Barrett, Weihing)............................ 239CA
Kearney State College: approve bonds funds to be used for construction of student housing(Appropriations Comm.)............ 266LR
Midwest Higher Education Compact: interim study of benefits and costs for Nebraska to enter(Withem)......................... 332LR
Nebr. Indian Community College request for funding from the state for providing services to non-Indian students: interim study (Withem)... 388LR
Phase II of the LR247 study of postsecondary education: interim study(Nelson, Bernard-Stevens, Scofield, Weihing, Conway, Withem, Baack, McFarland, Crosby, Dierks, Chizek)...................... 260LR
Private higher educational institutions: interim study of programs offered for health care provider education(Hartnett, Lindsay)... 325LR
Safety Driving Range facility at Kearney State: designate as the Ron & Carol Cope Nebraska Center for Safety Education & Research (Langford, Kristensen)....................................... 285LR
University of Nebr.: approve issuance of revenue bonds for Phase III of the campus recreation/athletic facility (Appropriations Comm.)... 426LR
University of Nebraska: provide for a voting student member of the Board of Regents(Moore, Hall).............................. 240CA
Varner, D.B. Woody: congratulate on his receipt of the Distinguished NEBRASKAlander award(Barrett).................... 261LR

VARNER, DR. D.B. WOODY

Congratulate on his receipt of the Distinguished NEBRASKAlander award(Barrett)... 261LR

VETERANS

Interim study(Conway, Baack).. 280LR
State Poppy Month: declare for the month of May, 1990(Dierks).... 400LR

VICTIMS OF CRIME

Victims Rights Week: designate for week of April 22-28, 1990 (Pirsch)... 379LR

VOTERS AND VOTING

Campaign financing and campaign spending in Nebraska: interim study(Wesely, Schimek)... 341LR
Initiative and referendum petitions: modify signature requirements(Baack)... 13CA

WAHOO, NEBRASKA

Wahoo High School boys for Class B state basketball title: congratulate(Schmit).. 293LR

WASTE

Degradability, recycling and reuse, landfilling, and their impact on the environment: interim study(Smith, Hefner, Beck).......... 362LR

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Degradable products: interim study(Natural Resources Comm.)...... 386LR
Hazardous and toxic wastes: interim study (Natural Resources Comm.)...................................... 394LR
Infectious medical waste in Nebraska: interim study(Lynch, Wesely)... 282LR
Landfills in Nebraska: interim study(Beyer, Hefner, Peterson).... 344LR
LB 788, 1989, providing framework for creation of an efficient and cost effective waste-to-energy facility: interim study (Natural Resources Comm.)...................................... 384LR
Legislature: establish a corps of informants to inform against violators of the styrofoam ban(Chambers)....................... 238LR
Solid waste management: interim study(Natural Resources Comm.)... 389LR
Styrofoam containers: ban the use of by Senators and staff of the Legislature(R. Johnson)............................... 231LR

WATER
Cent. Nebr. Public Power & Irrigation Dist.: provide they file petition with FERC for clarification of order to release water (Elmer, Baack, Barrett, Beck, Bernard-Stevens, Beyer, Byars, Chizek, Conway, Coordsen, Crosby, Dierks, Goodrich, Haberman, Hefner, Lamb, R. Johnson, Labedz, Langford, Lynch, Morrissey, Nelson, Peterson, Rogers, Schellpeper, Schmit, Smith, Warner, Wehrbein, Weihing, Robak, Kristensen)......................... 289LR
Interim study(Natural Resources Comm.)........................... 393LR
Interstate and intrastate transfers of ground and surface water: interim study to examine state laws(Natural Resources Comm.)..... 391LR

WAUSA, NEBRASKA
Recognize 100th anniversary(Hefner).............................. 410LR

WELSCH, ROGER
Congratulate on his receipt of the NEBRASKAland Foundation's Trailblazer award(Wesely, Landis, Schmit, Hannibal, Chambers, Rogers, Nelson, Smith, Scofield).............................. 264LR

WHEAT
Utilization of screenings and dockage in Nebraska on wheat and incentives for encouraging grain cleaning: interim study (Natural Resources Comm.)...................................... 392LR

WINSIDE, NEBRASKA
Recognize 100th anniversary(Conway).............................. 405LR

WORKERS' COMPENSATION ACT, NEBRASKA
Interim study(Coordsen).. 295LR

WRESTLING
Omaha North High School boys for Class A state wrestling title: congratulate(Chambers)... 265LR
Plattsmouth High School boys for Class B state wrestling title: congratulate(Wehrbein)... 275LR

ZONES AND ZONING
Creation of a uniform zoning notice statute: interim study (Urban Affairs Comm.).. 319LR
Manufactured housing industry and federal legislation governing construction: interim study(Urban Affairs Comm.)................ 318LR